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Schaffer

THE
H I S T O R Y
OF
E N G L A N D.

FROM THE
INVASION OF JULIUS CÆSAR

TO
The REVOLUTION in 1688.

By DAVID HUME, Esq;

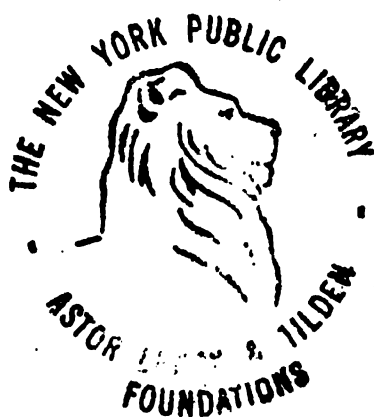
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THE English were as yet so little inured to c H A P.
obedience under a regular government, that the XIII.
death of almost every king, since the conquest, 1272.
VOL. III. B

C H A P. had been attended with disorders; and the council, reflecting on the recent civil wars, and on the animosities which naturally remain after these great convulsions, had reason to apprehend dangerous consequences from the absence of the son and successor of Henry. They therefore hastened to proclaim prince Edward, to swear allegiance to him, and to summon the states of the kingdom, in order to provide for the public peace in this important conjuncture¹. Walter Giffard, archbishop of York, the earl of Cornwall, son of Richard, king of the Romans, and the earl of Gloucester, were appointed guardians of the realm, and proceeded peaceably to the exercise of their authority, without either meeting with opposition from any of the people, or being disturbed with emulation and faction among themselves. The high character acquired by Edward during the late commotions, his military genius, his success in subduing the rebels, his moderation in settling the kingdom, had procured him great esteem, mixed with affection, among all orders of men; and no one could reasonably entertain hopes of making any advantage of his absence, or of raising disturbance in the nation. The earl of Gloucester himself, whose great power and turbulent spirit had excited most jealousy, was forward to give proofs of his allegiance; and the other malecontents, being destitute of a leader, were obliged to remain in submission to the government.

¹ Rymer, vol. ii. p. 1. Walsing. p. 43. Trivet, p. 239.

PRINCE Edward had reached Sicily in his return from the Holy Land, when he received intelligence of the death of his father; and he discovered a deep concern on the occasion. At the same time he learned the death of an infant son, John, whom his princess, Eleanor of Castile, had born him at Acre in Palestine, and as he appeared much less affected with that misfortune, the king of Sicily expressed a surprise at this difference of sentiment: But was told by Edward, that the death of a son was a loss which he might hope to repair; the death of a father was a loss irreparable.

C H A P.
XIII.

EDWARD proceeded homeward; but as he soon learned the quiet settlement of the kingdom, he was in no hurry to take possession of the throne, but spent near a year in France, before he made his appearance in England. In his passage by Chalons in Burgundy, he was challenged by the prince of the country to a tournament which he was preparing; and as Edward excelled in those martial and dangerous exercises, the true image of war, he declined not the opportunity of acquiring honor in that great assembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itself. Edward and his retinue were so successful in the jousts, that the French knights, provoked at their superiority, made a serious attack upon them, which was repulsed, and much blood was idly shed in

1273.

¹ Walsing. p. 44. Trivet, p. 240.

4 HISTORY OF ENGLAND.

C H A P. the quarrel'. This rencounter received the name
XIII of the petty battle of Chalons.

1274. EDWARD went from Chalons to Paris, and did
homage to Philip for the dominions which he
held in France'. He thence returned to Guienne,
and settled that province, which was in some
confusion. He made his journey to London through
France; in his passage he accommodated at Mon-
treuil a difference with Margaret, countess of
Flanders, heiress of that territory'; he was receiv-
ed with joyful acclamations by his people, and
was solemnly crowned at Westminster by Robert,
archbishop of Canterbury.

19th Aug.

Civil admini-
stration of
the king.

THE king immediately applied himself to the
re-establishment of his kingdom, and to the cor-
recting of those disorders, which the civil com-
motions and the loose administration of his father
had introduced into every part of government.
The plan of his policy was equally generous and
prudent. He considered the great barons both as
the immediate rivals of the crown, and oppres-
sors of the people; and he purposed, by an ex-
act distribution of justice, and a rigid execution
of the laws, to give at once protection to the
inferior orders of the state, and to diminish the
arbitrary power of the great, on which their
dangerous authority was chiefly founded. Mak-
ing it a rule in his own conduct to observe, ex-
cept on extraordinary occasions, the privileges

' Walsing. p. 44. Trivet, p. 12. 41. M. West, p. 402.

' Walsing. p. 45. ' Rymer, vol. ii. p. 32, 33.

secured to them by the Great Charter, he acquired a right to insist upon their observance of the same charter towards their vassals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the fountain of justice, and the general asylum against oppression. Besides enacting several useful statutes, in a parliament which he summoned at Westminster, he took care to inspect the conduct of all his magistrates and judges, to displace such as were either negligent or corrupt, to provide them with sufficient force for the execution of justice, to extirpate all bands and confederacies of robbers, and to repress those more silent robberies, which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid administration, the face of the kingdom was soon changed; and order and justice took place of violence and oppression: But amidst the excellent institutions and public-spirited plans of Edward, there still appears somewhat both of the severity of his personal character and of the prejudices of the times.

As the various kinds of malefactors, the murderers, robbers, incendiaries, ravishers, and plunderers, had become so numerous and powerful, that the ordinary ministers of justice, especially in the western counties, were afraid to execute the laws against them, the king found it necessary to provide an extraordinary remedy for the evil; and he erected a new tribunal,

B 3

C H A P.
XIII.1279.
16th Feb.

6 HISTORY OF ENGLAND.

C H A P. which, however useful, would have been deemed,
XIII. in times of more regular liberty, a great stretch
1275. of illegal and arbitrary power. It consisted of commissioners, who were empowered to enquire into disorders and crimes of all kinds, and to inflict the proper punishments upon them. The officers, charged with this unusual commission, made their circuits throughout the counties of England most infested with this evil, and carried terror into all those parts of the kingdom. In their zeal to punish crimes, they did not sufficiently distinguish between the innocent and guilty; the smallest suspicion became a ground of accusation and trial; the slightest evidence was received against criminals; prisons were crowded with malefactors, real or pretended; severe fines were levied for small offences; and the king, though his exhausted exchequer was supplied by this expedient, found it necessary to stop the course of so great rigor, and after terrifying and dissipating by this tribunal the gangs of disorderly people in England, he prudently annulled the commission⁶; and never afterwards renewed it.

AMONG the various disorders, to which the kingdom was subject, no one was more universally complained of than the adulteration of the coin; and as this crime required more art than

⁶ Spelman's Gloss. in verbo *Trailbaston*. But Spelman was either mistaken in placing this commission in the fifth year of the king, or it was renewed in 1305. See Rymer, vol. ii, p. 960. Trivet, p. 338. M. West. p. 450.

the English of that age, who chiefly employed force and violence in their iniquities, were possessed of, the imputation fell upon the Jews⁷. Edward also seems to have indulged a strong prepossession against that nation; and this ill-judged zeal for Christianity being naturally augmented by an expedition to the Holy Land, he let loose the whole rigor of his justice against that unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, besides those who suffered in other parts of the kingdom⁸. The houses and lands, (for the Jews had of late ventured to make purchases of that kind) as well as the goods of great multitudes, were sold and confiscated: And the king, lest it should be suspected that the riches of the sufferers were the chief part of their guilt, ordered a moiety of the money, raised by these confiscations, to be set apart, and bestowed upon such as were willing to be converted to Christianity. But resentment was more prevalent with them, than any temptation from their poverty; and very few of them could be induced by interest to embrace the religion of their persecutors. The miseries of this people did not here terminate. Though the arbitrary talliages and exactions, levied upon them, had yielded a constant and a considerable revenue to the crown; Edward, prompted by his zeal and his rapacity, resolved

C H A P.
XIII.
1274.

⁷ Walsing. p. 48. Heming, vol. i. p. 6.

⁸ T. Wykes, p. 107.

8 HISTORY OF ENGLAND.

C H A P. some time after^{*} to purge the kingdom entirely
XIII. of that hated race, and to seize to himself at once
1275. their whole property as the reward of his labor¹⁰.
 He left them only money sufficient to bear their charges into foreign countries, where new persecutions and extortions awaited them: But the inhabitants of the cinque-ports, imitating the bigotry and avidity of their sovereign, despoiled most of them of this small pittance, and even threw many of them into the sea: A crime, for which the king, who was determined to be the sole plunderer in his dominions, inflicted a capital punishment upon them. No less than fifteen thousand Jews were at this time robbed of their effects and banished the kingdom: Very few of that nation have since lived in England: And as it is impossible for a nation to subsist without lenders of money, and none will lend without a compensation, the practice of usury, as it was then called, was thenceforth exercised by the English themselves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be questioned, whether the dealings of these new usurers were equally open and unexceptionable with those of the old. By a law of Richard, it was enacted, that three copies should be made of every bond given to a Jew; one to be put into the hands of a public magistrate, another into those of a man of credit, and a third

^{*} In the year 1290. ¹⁰ Walsing. p. 54. Heming, vol. i. p. 20. Trivet, p. 266.

CHAP. XIII. vice in the late reign, being required to show his titles, drew his sword; and subjoined, that William, the Bastard, had not conquered the kingdom for himself alone: His ancestor was a joint adventurer in the enterprise; and he himself was determined to maintain what had from that period remained unquestioned in his family. The king, sensible of the danger, desisted from making farther enquiries of this nature.

1276.
Conquest of
Wales.

BUT the active spirit of Edward could not long remain without employment. He soon after undertook an enterprise more prudent for himself, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conspiracies against the crown; had frequently fought on their side; and till the battle of Evesham, so fatal to that party, had employed every expedient to depress the royal cause, and to promote the success of the barons. In the general accommodation, made with the vanquished, Lewellyn had also obtained his pardon; but as he was the most powerful, and therefore the most obnoxious vassal of the crown, he had reason to entertain anxiety about his situation, and to dread the future effects of resentment and jealousy in the English monarch. For this reason, he determined to provide for his security by maintaining a secret correspondence with his former associates; and he even made his addresses to a daughter of the earl of Leicester, who was sent to him from beyond sea, but being intercepted in her passage

near the isles of Scilly, was detained in the court of England¹³. This incident increasing the mutual jealousy between Edward and Lewellyn, the latter, when required to come to England, and do homage to the new king, scrupled to put himself in the hands of an enemy, desired a safe-conduct from Edward, insisted upon having the king's son and other noblemen delivered to him as hostages, and demanded, that his consort should previously be set at liberty¹⁴. The king, having now brought the state to a full settlement, was not displeased with this occasion of exercising his authority, and subduing entirely the principality of Wales. He refused all Lewellyn's demands, except that of a safe-conduct; sent him repeated summons to perform the duty of a vassal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain assurance of success against the enemy. Besides the great disproportion of force between the kingdom and the principality, the circumstances of the two states were entirely reversed; and the same intestine dissensions, which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, dispossessed of their inheritance by that prince, had been obliged to

CHAP.
XIII.

1277.

¹³ Walsing. p. 46, 47. Heming, vol. i. p. 5. Trivet, p. 248.
¹⁴ Rymer, vol. ii. p. 68. Walsing. p. 46. Trivet, p. 247.

C H A P. have recourse to the protection of Edward, and
XIII. they seconded with all their interest, which was
1277. extensive, his attempts to enslave their native
country. The Welsh prince had no resource but
in the inaccessible situation of his mountains,
which had hitherto, through many ages, defend-
ed his forefathers against all attempts of the Sax-
on and Norman conquerors; and he retired among
the hills of Snowdun, resolute to defend himself
to the last extremity. But Edward, equally
vigorous and cautious, entering by the north
with a formidable army, pierced into the heart
of the country; and having carefully explored
every road before him, and secured every pass
behind him, approached the Welsh army in its
last retreat. He here avoided the putting to trial
the valor of a nation, proud of its ancient in-
dependence, and inflamed with animosity against
its hereditary enemies; and he trusted to the slow,
but sure effects of famine, for reducing that peo-
ple to subjection. The rude and simple manners
of the natives, as well as the mountainous situa-
tion of their country, had made them entirely
neglect tillage, and trust to pasturage alone for
their subsistence: A method of life which had
hitherto secured them against the irregular attempts
of the English, but exposed them to certain ruin,
when the conquest of the country was steadily
pursued, and prudently planned by Edward.
Destitute of magazines, cooped up in a narrow
corner, they, as well as their cattle, suffered all
the rigors of famine; and Lewellyn, without

being able to strike a stroke for his independence, C H A P.
 was at last obliged to submit at discretion, and XIII.
 receive the terms imposed upon him by the vic- 1277.
 tor¹⁵. He bound himself to pay to Edward 50,000 19 Nov.
 pounds, as a reparation of damages, to do hom-
 age to the crown of England; to permit all the
 other barons of Wales, except four near Snow-
 dun, to swear fealty to the same crown; to re-
 linquish the country between Cheshire and the
 river Conway; to settle on his brother Roderic a
 thousand marks a year, and on David five hun-
 dred; and to deliver ten hostages as security for
 his future submission¹⁶.

EDWARD, on the performance of the other ar-
 ticles, remitted to the prince of Wales the pay-
 ment of the 50,000 pounds¹⁷, which were stipu-
 lated by treaty, and which, it is probable the
 poverty of the country made it absolutely impos-
 sible for him to levy. But notwithstanding this
 indulgence, complaints of iniquities soon arose
 on the side of the vanquished: The English, in-
 solent on their easy and bloodless victory, oppres-
 sed the inhabitants of the districts which were
 yielded to them: The lords marchers committed
 with impunity all kinds of violence on their Welsh
 neighbours: New and more severe terms were
 imposed on Lewellyn himself; and Edward, when
 the prince attended him at Worcester, exacted a

¹⁵ T. Wykes, p. 105. ¹⁶ Ibid. p. 106. Trivet,
 p. 251. Walsing. p. 47. Rymer, vol. ii. p. 88. ¹⁷ Ibid. p. 92.

G H A P promise that he would retain no person in his
XIII. principality who should be obnoxious to the Eng-
1277. lish monarch¹⁸. There were other personal in-
sults, which raised the indignation of the Welsh,
and made them determine rather to encounter a
force, which they had already experienced to be
so much superior, than to bear oppression from
the haughty victors. Prince David, seized with
the national spirit, made peace with his brother,
and promised to concur in the defence of public
liberty. The Welsh flew to arms; and Edward,
not displeased with the occasion of making his
conquest final and absolute, assembled all his mi-
litary tenants, and advanced into Wales with an
army, which the inhabitants could not reasonably
hope to resist. The situation of the country gave
the Welsh at first some advantage over Luke de
Tany, one of Edward's captains, who had pas-
sed the Menau with a detachment¹⁹: But Lewel-
lyn, being surprised by Mortimer, was defeated
and slain in an action, and 2000 of his followers
were put to the sword²⁰. David, who succeeded
him in the principality, could never collect an
army sufficient to face the English; and being
chased from hill to hill, and hunted from one
retreat to another, was obliged to conceal him-
self under various disguises, and was at last be-

¹⁸ Dr. Powell's Hist. of Wales, p. 344, 345.

¹⁹ Walsing. p. 50. Heming, vol. i. p. 9. Trivet, p.
258. T. Wykes, p. 110. ²⁰ Heming. vol. i. p. 11.
Trivet, p. 256. Ann. Waverl. p. 235.

trayed in his lurking-place to the enemy. Edward C H A' P.
XJIL
sent him in chains to Shrewsbury; and bringing
him to a formal trial before all the peers of Eng-
land, ordered this sovereign prince to be hanged,
drawn, and quartered, as a traitor, for defend-
ing by arms the liberties of his native country,
together with his own hereditary authority ²¹.
All the Welsh nobility submitted to the conquer-
or; the laws of England, with the sheriffs and 1283
other ministers of justice, were established in that
principality; and though it was long before na-
tional antipathies were extinguished, and a tho-
rough union attained between the people, yet
this important conquest, which it had required
eight hundred years fully to effect, was at last,
through the abilities of Edward, completed by
the English.

THE king, sensible that nothing kept alive the
ideas of military valor and of ancient glory, so 1284
much as the traditional poetry of the people,
which, assisted by the power of music, and the
jollity of festivals, made deep impresson on the
minds of the youth, gathered together all the
Welsh bards, and from a barbarous, though not
absurd policy, ordered them to be put to death ²².

THERE prevails a vulgar story, which, as it
well suits the capacity of the monkish writers, is
carefully recorded by them: That Edward, af-

²¹ Heming. vol. i. p. 12. Trivet, p. 259. Ann. Waverl.
p. 238. T. Wykes, p. 111. M. West. p. 411.

²² Sir J. Wynne, p. 15.

C H A P. resembling the Welsh, promised to give them a prince of unexceptionable manners, a Welshman by birth, and one who could speak no other language. On their acclamations of joy, and promise of obedience, he invested in the principality his second son Edward, then an infant, who had been born at Carnarvon. The death of his eldest son Alfonso, soon after, made young Edward heir of the monarchy: The principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldest son of the kings of England.

XIII. **1286.** THE settlement of Wales appeared so complete to Edward, that, in less than two years after, he went abroad, in order to make peace between Alphonso, king of Arragon, and Philip the Fair, who had lately succeeded his father Philip the Hardy on the throne of France²¹. The difference between these two princes had arisen about the kingdom of Sicily, which the pope, after his hopes from England failed him, had bestowed on Charles, brother to St. Lewis, and which was claimed upon other titles, by Peter king of Arragon, father to Alphonso. Edward had powers from both princes to settle the terms of peace, and he succeeded in his endeavours; but as the controversy nowise regards England, we shall not enter into a detail of it. He stayed abroad above three years; and on his return, found many disorders to have prevailed, both from open violence, and from the corruption of justice.

²¹ Rymer, vol. ii. p. 149, 150. 174.

THOMAS

C H A P.
XIII.

1289.

VOL. III.

C H A P. and sufficient to defray the charges of an expensive war between two great kingdoms. The king afterwards made all the new judges swear, that they would take no bribes; but his expedient, of deposing and fining the old ones, was the more effectual remedy.

XIII.

1289.

WE now come to give an account of the state of affairs in Scotland, which gave rise to the most interesting transactions of this reign, and of some of the subsequent; though the intercourse of that kingdom with England, either in peace or war, had hitherto produced so few events of moment, that, to avoid tediousness, we have omitted many of them, and have been very concise in relating the rest. If the Scots had, before this period, any real history, worthy of the name, except what they glean from scattered passages in the English historians, those events, however minute, yet, being the only foreign transactions of the nation, might deserve a place in it.

**Affairs of
Scotland.**

THOUGH the government of Scotland had been continually exposed to those factions and convulsions, which are incident to all barbarous, and to many civilized nations; and though the successions of their kings, the only part of their history which deserves any credit, had often been disordered by irregularities and usurpations; the true heir of the royal family had still in the end prevailed, and Alexander III. who had espoused the sister of Edward, probably inherited, after a period of about eight hundred years, and through a succession of males, the sceptre of all

the Scottish princes, who had governed the nation, since its first establishment in the island. This prince died in 1286 by a fall from his horse at Kinghorn²⁵, without leaving any male issue, and without any descendant, except Margaret, born of Eric, king of Norway, and of Margaret, daughter of the Scottish monarch. This princess, commonly called the maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recognized successor by the states of Scotland²⁶; and on Alexander's death, the dispositions, which had been previously made against that event; appeared so just and prudent, that no disorders, as might naturally be apprehended, ensued in the kingdom. Margaret was acknowledged queen of Scotland; five guardians, the bishops of St. Andrews and Glasgow, the earls of Fife and Buchan, and James, steward of Scotland, entered peaceably upon the administration; and the infant princess, under the protection of Edward, her great uncle, and Eric, her father, who exerted themselves on this occasion, seemed firmly seated on the throne of Scotland. The English monarch was naturally led to build mighty projects on this incident; and having lately, by force of arms, brought Wales under subjection, he attempted, by the marriage of Margaret with his

C H A P.

XIII.

1289.

²⁵ Heming. vol. i. p. 29. Trivet, p. 267.

²⁶ Rymer, vol. ii. p. 266.

C H A P. eldest son Edward, to unite the whole island into
XIII. one monarchy, and thereby to give it security
 both against domestic convulsions and foreign in-
1290. vasions. The amity, which had of late prevailed
 between the two nations, and which, even in
 former times, had never been interrupted by any
 violent wars or injuries, facilitated extremely the
 execution of this project, so favorable to the
 happiness and grandeur of both kingdoms; and
 the states of Scotland readily gave their assent to
 the English proposals, and even agreed, that
 their young sovereign should be educated in the
 court of Edward. Anxious, however, for the
 liberty and independence of their country, they
 took care to stipulate very equitable conditions,
 ere they intrusted themselves into the hands of
 so great and so ambitious a monarch. It was
 agreed, that they should enjoy all their ancient
 laws, liberties, and customs; that in case young
 Edward and Margaret should die without issue,
 the crown of Scotland should revert to the next
 heir, and should be inherited by him free and
 independent; that the military tenants of the
 crown should never be obliged to go out of
 Scotland, in order to do homage to the sovereign
 of the united kingdoms, nor the chapters of
 cathedral, collegiate, or conventual churches, in
 order to make elections; that the parliaments,
 summoned for Scottish affairs, should always be
 held within the bounds of that kingdom; and
 that Edward should bind himself, under the penalty
 of 100,000 marks, payable to the pope for the

use of the holy wars, to observe all these articles²⁷. C H A P. XIII.
 It is not easy to conceive, that two nations could have treated more on a foot of equality than Scotland and England maintained during the whole course of this transaction: And though Edward gave his assent to the article, concerning the future independence of the Scottish crown, with a *saving of his former rights*; this reserve gave no alarm to the nobility of Scotland, both because these rights, having hitherto been little heard of, had occasioned no disturbance, and because the Scots had so near a prospect of seeing them entirely absorbed in the rights of their sovereignty.

BUT this project, so happily formed and so amicably conducted, failed of success, by the sudden death of the Norwegian prince, who expired on her passage to Scotland²⁸, and left a very dismal prospect to the kingdom. Though disorders were for the present obviated by the authority of the regency formerly established, the succession itself of the crown was now become an object of dispute; and the regents could not expect, that a controversy, which is not usually decided by reason and argument alone, would be peaceably settled by them, or even by the states of the kingdom, amidst so many powerful pretenders. The posterity of William, king of Scotland, the prince taken prisoner by Henry II. being all extinct by the death of Margaret of

²⁷ Rymer, vol. ii. p. 482.

²⁸ Heming. vol. i. p. 30. Trivet, p. 268.

CHAP. Norway; the right to the crown devolved on
 XIII. the issue of David, earl of Huntingdon, brother
 1291. to William, whose male line, being also extinct,
 left the succession open to the posterity of his
 daughters. The earl of Huntingdon had three
 daughters; Margaret, married to Alan lord of
 Galloway, Isabella, wife of Robert Brus or Bruce,
 lord of Annandale, and Adama, who espoused
 Henry lord Hastings. Margaret, the eldest of the
 sisters, left one daughter, Devergilda, married to
 John Baliol, by whom she had a son of the same
 name, one of the present competitors for the
 crown: Isabella, the second, bore a son, Robert
 Bruce, who was now alive, and who also insisted
 on his claim: Adama the third left a son, John
 Hastings, who pretended, that the kingdom of
 Scotland, like many other inheritances, was di-
 visible among the three daughters of the earl of
 Huntingdon, and that he, in right of his mother,
 had a title to a third of it. Baliol and Bruce
 united against Hastings, in maintaining that the
 kingdom was indivisible; but each of them,
 supported by plausible reasons, asserted the pre-
 ference of his own title. Baliol was sprung from
 the elder branch: Bruce was one degree nearer
 the common stock: If the principle of representa-
 tion was regarded, the former had the better
 claim: If propinquity was considered, the latter
 was entitled to the preference²²: The sentiments
 of men were divided: All the nobility had taken

²² Heming vol. i. p. 36.

part on one side or the other: The people followed implicitly their leaders: The two claimants themselves had great power and numerous retainers in Scotland: And it is no wonder, that; among a rude people, more accustomed to arms than inured to laws, a controversy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the most legal and best established governments, should threaten the state with the most fatal convulsions.

C H A P.
XIII.
1291.

EACH century has its peculiar mode in conducting business; and men, guided more by custom than by reason, follow, without enquiry, the manners, which are prevalent in their own time. The practice of that age, in controversies between states and princes, seems to have been to chuse a foreign prince, as an equal arbiter, by whom the question was decided, and whose sentence prevented those dismal confusions and disorders, inseparable at all times from war, but which were multiplied a hundred fold, and dispersed into every corner, by the nature of the feudal governments. It was thus that the English king and barons, in the preceding reign, had endeavoured to compose their dissensions by a reference to the king of France; and the celebrated integrity of that monarch had prevented all the bad effects, which might naturally have been dreaded from so perilous an expedient. It was thus that the kings of France and Arragon, and afterwards other princes, had submitted their

G H A P. controversies to Edward's judgment; and the remoteness of their states, the great power of the princes, and the little interest which he had on either side, had induced him to acquit himself with honor in his decisions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the English monarch, as well as by the present amicable correspondence between the kingdoms, agreed in making a reference to Edward, and Frazer, bishop of St. Andrews, with other deputies, was sent to notify to him their resolution, and to claim his good offices in the present dangers to which they were exposed¹⁰. His inclination, they flattered themselves, led him to prevent their dissensions, and to interpose with a power, which none of the competitors would dare to withstand; When this expedient was proposed by one party, the other deemed it dangerous to object to it. Indifferent persons thought that the imminent perils of a civil war would thereby be prevented: And no one reflected on the ambitious character of Edward, and the almost certain ruin, which must attend a small state, divided by faction, when it thus implicitly submits itself to the will of so powerful and encroaching a neighbour.

Homage of
Scotland.

THE temptation was too strong for the virtue of the English monarch to resist. He purposed to lay hold of the present favorable opportunity,

¹⁰ Heming. vol. i. p. 31.

and if not to create, at least to revive, his claim of a feudal superiority over Scotland; a claim which had hitherto lain in the deepest obscurity, and which, if ever it had been an object of attention, or had been so much as suspected, would have effectually prevented the Scottish barons from chusing him for an umpire. He well knew, that, if this pretension were once submitted to, as it seemed difficult, in the present situation of Scotland, to oppose it, the absolute sovereignty of that kingdom (which had been the case with Wales) would soon follow; and that one great vassal, cooped up in an island with his liege lord, without resource from foreign powers, without aid from any fellow vassals, could not long maintain his dominions against the efforts of a mighty kingdom, assisted by all the cavils which the feudal law afforded his superior against him. In pursuit of this great object, very advantageous to England, perhaps in the end no less beneficial to Scotland, but extremely unjust and iniquitous in itself, Edward busied himself in searching for proofs of his pretended superiority; and instead of looking into his own archives, which, if his claim had been real, must have afforded him numerous records of the homages done by the Scottish princes, and could alone yield him any authentic testimony, he made all the monasteries be ransacked for old chronicles and histories written by Englishmen, and he collected all the passages, which seemed anywise to favor his pre-

C H A P.

XIII.

1291.

C H A P. XIII. 1291. tensions". Yet even in this method of proceeding, which must have discovered to himself the injustice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the elder, and continued them through all the subsequent Saxon and Norman times; but produced nothing to his purpose". The whole amount of his authorities during the Saxon period, when stripped of the bombast and inaccurate style of the monkish historians, is, that the Scots had sometimes been defeated by the English, had received peace on disadvantageous terms, had made submissions to the English monarch, and had even perhaps fallen into some dependence on a power, which was so much superior, and which they had not at that time sufficient force to resist. His authorities from the Norman period were, if possible, still less conclusive: The historians indeed make frequent mention of homage done by the northern potentate; but no one of them says that it was done for his kingdom, and several of them declare, in express terms, that it was relative only to the fiefs which he enjoyed south of the Tweed"; in the same manner, as the king of England himself swore fealty to the French monarch, for the fiefs which he inherited in France. And, to such scandalous shifts was Edward reduced, that he quotes a passage from

" Walsing. p. 55. " Rymer, vol. ii. p. 659.

" Hoveden, p. 492. 662. M. Paris, p. 109. M. Wels. p. 256.

Hoveden¹⁴, where it is asserted, that a Scottish king had done homage to England; but he purposely omits the latter part of the sentence, which expresses that this prince did homage for the lands which he held in England.

C H A P.
XIII.
1297.

WHEN William, king of Scotland, was taken prisoner in the battle of Alnwick, he was obliged, for the recovery of his liberty, to swear fealty to the victor for his crown itself. The deed was performed according to all the rites of the feudal law: The record was preserved in the English archives, and is mentioned by all the historians: But as it is the only one of the kind, and as historians speak of this superiority as a great acquisition gained by the fortunate arms of Henry II.¹⁵ there can remain no doubt, that the kingdom of Scotland was, in all former periods, entirely free and independent. Its subjection continued a very few years: King Richard, desirous, before his departure for the Holy Land, to conciliate the friendship of William, renounced that homage, which, he says in express terms, had been extorted by his father; and he only retained the usual homage which had been done by the Scottish princes for the lands which they held in England.

BUT though this transaction rendered the independence of Scotland still more unquestionable, than if no fealty had ever been sworn to the

¹⁴ P. 662.
p. 2392.

¹⁵ Neubr. lib. ii. cap. 4. Knyghton,

C H A P English crown; the Scottish kings, apprized of
 XIII. the point aimed at by their powerful neighbours,
 * 1291. seem for a long time to have retained some jealousy
 on that head, and in doing homage, to have
 anxiously obviated all such pretensions. When
 William in 1200 did homage to John at Lincoln,
 he was careful to insert a salvo for his royal dig-
 nity¹⁶. When Alexander III. sent assistance to his
 father-in-law, Henry III. during the wars of the
 barons, he previously procured an acknowledg-
 ment, that this aid was granted only from friend-
 ship, not from any right claimed by the English
 monarch¹⁷: And when the same prince was in-
 vited to assist at the coronation of this very Ed-
 ward, he declined attendance, till he received a
 like acknowledgment¹⁸.

BUT as all these reasons (and stronger could not
 be produced) were but a feeble rampart against
 the power of the sword, Edward, carrying with
 him a great army, which was to enforce his
 proofs, advanced to the frontiers, and invited the
 Scottish parliament and all the competitors to
 attend him in the castle of Norham, a place
 situated on the southern banks of the Tweed, in
 order to determine that cause, which had been
 referred to his arbitration. But though this de-
 ference seemed due to so great a monarch, and
 was no more than what his father and the Eng-
 lish barons had, in similar circumstances, paid to

¹⁶ Hoveden, p. 811.

¹⁷ Rymer, vol. ii. p. 844.

¹⁸ See note [A] at the end of the volume.

Lewis IX. the king, careful not to give umbrage, and determined never to produce his claim, till it should be too late to think of opposition, sent the Scottish barons an acknowledgment, that, though at that time they passed the frontiers, this step should never be drawn into precedent, or afford the English kings a pretence for exacting a like submission in any future transaction". When the whole Scottish nation had thus unwarily put themselves in his power, Edward opened the conferences at Norham. He informed the parliament, by the mouth of Roger le Brabançon, his chief justiciary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do strict justice to all parties; and that he was entitled to this authority, not in virtue of the reference made to him, but in quality of superior and liege lord of the kingdom ". He then produced his proofs of this superiority, which he pretended to be unquestionable, and he required of them an acknowledgment of it; a demand, which was superfluous if the fact were already known and avowed, and which plainly betrays Edward's consciousness of his lame and defective title. The Scottish parliament was astonished at so new a pretension, and answered only by their silence. But the king, in order to maintain the appearance

C H A P.
XIII.
1291.

10th May.

" Rymer, vol. ii. p. 539. 845. Walsing. p. 56.

" Rymer, vol. ii. p. 543. See note [B] at the end of the volume.

C H A P. of free and regular proceedings, desired them to
 XIII. remove into their own country, to deliberate
 1291. upon his claim, to examine his proofs, to propose all their objections, and to inform him of their resolution: And he appointed a plain at Upsettleton, on the northern banks of the Tweed, for that purpose.

WHEN the Scottish barons assembled in this place, though moved with indignation at the injustice of this unexpected claim, and at the fraud with which it had been conducted, they found themselves betrayed into a situation, in which it was impossible for them to make any defence for the ancient liberty and independence of their country. The king of England, a martial and politic prince, at the head of a powerful army, lay at a very small distance, and was only separated from them by a river fordable in many places. Though by a sudden flight some of them might themselves be able to make their escape; what hopes could they entertain of securing the kingdom against his future enterprises? Without a head, without union among themselves, attached all of them to different competitors, whose title they had rashly submitted to the decision of this foreign usurper, and who were thereby reduced to an absolute dependence upon him; they could only expect by resistance to entail on themselves and their posterity a more grievous and more destructive servitude. Yet even in this desperate state of their affairs, the Scottish barons, as we

learn from Walsingham, “, one of the best historians of that period, had the courage to reply, that, till they had a king, they could take no resolution on so momentous a point: The journal of king Edward says, that they made no answer at all “: That is, perhaps, no *particular* answer or objection to Edward’s claim: And by this solution it is possible to reconcile the journal with the historian. The king, therefore, interpreting their silence as consent, addressed himself to the several competitors, and previously to his pronouncing sentence, required their acknowledgment of his superiority.

C H A P.
XIII.
1291.

It is evident from the genealogy of the royal family of Scotland, that there could only be two questions about the succession, that between Baliol and Bruce on the one hand, and lord Hastings on the other, concerning the partition of the crown; and that between Baliol and Bruce themselves, concerning the preference of their respective titles, supposing the kingdom indivisible: Yet there appeared on this occasion no less than nine claimants besides; John Comyn or Cummin lord of Badenoch, Florence earl of Holland, Patric Dunbar earl of March, William de Vescey, Robert de Pynkeni, Nicholas de Soules, Patric Galythly, Roger de Mandeville, Robert de

⁴¹ Page 56. M. West. p. 436. It is said by Hemingford, vol. i. p. 33. that the king menaced violently the Scotch barons, and forced them to compliance, at least to silence.

⁴² Rymer, vol. ii. p. 548.

C H A P.

XIII

1291.

Rofs; not to mention the king of Norway, who claimed as heir to his daughter Margaret". Some of these competitors were descended from more remote branches of the royal family; others were even sprung from illegitimate children; and as none of them had the least pretence of right, it is natural to conjecture, that Edward had secretly encouraged them to appear in the list of claimants, that he might sow the more division among the Scottish nobility, make the cause appear the more intricate, and be able to chuse, among a great number, the most obsequious candidate.

BUT he found them all equally obsequious on this occasion". Robert Bruce was the first that acknowledged Edward's right of superiority over Scotland; and he had so far foreseen the king's pretensions, that even in his petition, where he set forth his claim to the crown, he had previously applied to him as liege lord of the kingdom; a step which was not taken by any of the other competitors". They all, however, with seeming willingness, made a like acknowledgment when required; though Baliol, lest he should give offence to the Scottish nation, had taken care to be absent during the first days; and he was the last that recognized the king's title". Edward next deliberated concerning the method of proceeding in

" Walsing. p. 58. " Rymer, vol. ii. p. 529, 545.
Walsing. p. 56. Heming. vol. i. p. 33, 34. Trivet, p.
260. M. West. p. 415. " Rymer, vol. ii. p. 577,
578, 579. " Ibid. p. 546.

the

the discussion of this great controversy. He gave orders, that Baliol, and such of the competitors as adhered to him, should chuse forty commissioners; Bruce and his adherents forty more: To these the king added twenty-four Englishmen: He ordered these hundred and four commissioners to examine the cause deliberately among themselves, and make their report to him: And he promised in the ensuing year to give his determination. Mean while, he pretended, that it was requisite to have all the fortresses of Scotland delivered into his hands, in order to enable him, without opposition, to put the true heir in possession of the crown; and this exorbitant demand was complied with, both by the states and by the claimants. The governors also of all the castles immediately resigned their command; except Umfreville earl of Angus, who refused, without a formal and particular acquittal from the parliament and the several claimants, to surrender his fortresses to so domineering an arbiter, who had given to Scotland so many just reasons of suspicion. Before this assembly broke up, which had fixed such a mark of dishonor on the nation, all the prelates and barons there present swore fealty to Edward; and that prince appointed commissioners to receive a like oath from all the other barons and persons of distinction in Scotland.

C H A P.
XIII.
1291

" Rymer, vol. ii. p. 555, 556. " Ibid. p. 529.
Walsing. p. 56, 57. " Rymer, vol. ii. p. 531.
" Ibid. p. 573.

C H A P. XIII. THE king, having finally made, as he imagined, this important acquisition, left the commissioners to sit at Berwic, and examine the titles of the several competitors, who claimed the precarious crown, which Edward was willing for some time to allow the lawful heir to enjoy. He went southwards, both in order to assist at the funeral of his mother, queen Eleanor, who died about this time, and to compose some differences which had arisen among his principal nobility. Gilbert earl of Gloucester, the greatest baron of the kingdom, had espoused the king's daughter; and being elated by that alliance, and still more by his own power, which, he thought, set him above the laws, he permitted his bailiffs and vassals to commit violence on the lands of Humphrey Bohun earl of Hereford, who retaliated the injury by like violence. But this was not a reign in which such illegal proceedings could pass with impunity. Edward procured a sentence against the two earls, committed them both to prison, and would not restore them to their liberty, till he exacted a fine of 1000 marks from Hereford, and one of 10,000 from his son-in-law.

1292. DURING this interval, the titles of John Baliol and of Robert Bruce, whose claims appeared to be the best founded among the competitors for the crown of Scotland, were the subject of general disquisition, as well as of debate among the commissioners. Edward, in order to give greater authority to his intended decision, pro-

posed this general question both to the commif- C H A P.
 sioners, and to all the celebrated lawyers in Eu- XIII.
 rope; Whether a person descended from the elder
 sister, but farther removed by one degree, were
 preferable, in the fucceffion of kingdoms, fiefs,
 and other indivifible inheritances, to one descend-
 ed from the younger sister, but one degree near-
 er to the common stock? This was the true ftate
 of the cafe; and the principle of representation
 had now gained fuch ground every where, that
 an uniform answer was returned to the king in
 the affirmative. He therefore pronounced fentence
 in favor of Baliol; and when Bruce, upon this
 difappointment, joined afterwards lord Haftings,
 and claimed a third of the kingdom, which he
 now pretended to be divifible, Edward, though
 his interefts feemed more to require the partition
 of Scotland, again pronounced fentence in favor
 of Baliol. That competitor, upon renewing his
 oath of fealty to England, was put in poffeffion Award of
Edward the
favor of
Baliol,
 of the kingdom¹¹; all his fortreffes were reftor-
 ed to him¹²; and the conduct of Edward, both
 in the deliberate folemnity of the proceedings,
 and in the juftice of the award, was fo far un-
 exceptionable.

HAD the king entertained no other view than 1292.
 that of eftablifhing his fuperiority over Scotland,
 though the iniquity of that claim was apparent,
 and was aggravated by the moft egregious breach

¹¹ Rymer, vol. ii. p. 590, 591. 593. 600.

¹² Ibid. p. 590.

CHAP. of trust, he might have fixed his pretensions, and have left that important acquisition to his posterity: But he immediately proceeded in such a manner, as made it evident, that, not content with this usurpation, he aimed also at the absolute sovereignty and dominion of the kingdom. Instead of gradually intring the Scots to the yoke, and exerting his rights of superiority with moderation, he encouraged all appeals to England; required king John himself, by six different summons on trivial occasions, to come to London[”]; refused him the privilege of defending his cause by a procurator; and obliged him to appear at the bar of his parliament as a private person[”]. These humiliating demands were hitherto quite unknown to a king of Scotland: They are however the necessary consequence of vassalage by the feudal law; and as there was no preceding instance of such treatment submitted to by a prince of that country, Edward must, from that circumstance alone, had there remained any doubt, have been himself convinced, that his claim was altogether an usurpation[”]. But his intention plainly was, to enrage Baliol by these indignities, to engage him in rebellion, and to assume the dominion of the state as the punishment of his treason and felony. Accordingly Baliol, though a prince of a soft and gentle spirit, returned

[”] Rymer, vol. ii. p. 603. 605, 606. 608. 615, 616.

[”] Ryley's Placit. Parl. p. 152, 153.

[”] See note [C] at the end of the volume.

into Scotland highly provoked at this usage, and determined at all hazards to vindicate his liberty; and the war, which soon after broke out between France and England, gave him a favorable opportunity of executing his purpose.

CHAP.
XIII.
1293.

THE violence, robberies, and disorders, to which that age was so subject, were not confined to the licentious barons and their retainers at land: The sea was equally infested with piracy: The feeble execution of the laws had given licence to all orders of men: And a general appetite for rapine and revenge, supported by a false point of honor, had also infected the merchants and mariners; and it pushed them, on any provocation, to seek redress, by immediate retaliation upon the aggressors. A Norman and an English vessel met off the coast near Bayonne; and both of them having occasion for water, they sent their boats to land, and the several crews came at the same time to the same spring: There ensued a quarrel for the preference: A Norman, drawing his dagger, attempted to stab an Englishman; who, grappling with him, threw his adversary on the ground; and the Norman, as was pretended, falling on his own dagger, was slain. This scuffle between two seamen about water, soon kindled a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ship carried their complaints to the

war with
France.

" Walsing. p. 58. Heming. vol. i. p. 39.

§ H A P. French king : Philip, without enquiring into the
 XIII. fact, without demanding redress, bade them take
 1293. revenge, and trouble him no more about the
 matter". The Normans, who had been more
 regular than usual in applying to the crown,
 needed but this hint to proceed to immediate vio-
 lence. They seized an English ship in the chan-
 nel; and hanging, along with some dogs, several
 of the crew on the yard-arm, in presence of their
 companions, dismissed the vessel"; and bade
 the mariners inform their countrymen, that venge-
 ance was now taken for the blood of the
 Norman killed at Bayonne. This injury, accom-
 panied with so general and deliberate an insult,
 was resented by the mariners of the cinque-ports,
 who, without carrying any complaint to the king,
 or waiting for redress, retaliated by committing
 like barbarities on all French vessels without dis-
 tinction. The French, provoked by their losses,
 preyed on the ships of all Edward's subjects,
 whether English or Gascon: The sea became a
 scene of piracy between the nations: The sover-
 eigns, without either seconding or repressing the
 violence of their subjects, seemed to remain in-
 different spectators: The English made private
 associations with the Irish and Dutch seamen;
 the French with the Flemish and Genoese";
 And the animosities of the people on both sides
 became every day more violent and barbarous.

" Walsing. p. 58. " Heming. vol. i. p. 40. M. West.
 p. 419, " Heming. vol. i. p. 40.

A fleet of two hundred Norman vessels set sail to the south for wine and other commodities; and in their passage, seized all the English ships which they met with; hanged the seamen; and seized the goods. The inhabitants of the English sea-ports, informed of this incident, fitted out a fleet of sixty sail, stronger and better manned than the others, and awaited the enemy on their return. After an obstinate battle, they put them to rout, and sunk, destroyed, or took the greater part of them^c. No quarter was given; and it is pretended, that the loss of the French amounted to 15,000 men: Which is accounted for by this circumstance, that the Norman fleet was employed in transporting a considerable body of soldiers from the south.

H A P.

XIII.

1293.

THE affair was now become too important to be any longer overlooked by the sovereigns. On Philip's sending an envoy to demand reparation and restitution, the king dispatched the bishop of London to the French court, in order to accommodate the quarrel. He first said, that the English courts of justice were open to all men; and if any Frenchman were injured, he might seek reparation by course of law^a. He next offered to adjust the matter by private arbiters, or by a personal interview with the king of France, or by a reference either to the pope or the college of cardinals, or any particular cardinals,

^a Walsing. p. 60. Trivet, p. 274. Chron. Dunst. vol. ii. p. 609. ^b Trivet, p. 275.

C H A P. agreed on by both parties ". The French, probably the more disgusted, as they were hitherto losers in the quarrel, refused all these expedients: The vessels and the goods of merchants were confiscated on both sides: Depredations were continued by the Gascons on the western coast of France, as well as by the English in the channel: Philip cited the king, as duke of Guienne, to appear in his court at Paris, and answer for these offences: And Edward, apprehensive of danger to that province, sent John St. John, an experienced foldier, to Bourdeaux, and gave him directions to put Guienne in a posture of defence ".

1294. THAT he might however prevent a final rupture between the nations, the king dispatched his brother, Edmond, earl of Lancaster, to Paris; and as this prince had espoused the queen of Navarre, mother to Jane, queen of France, he seemed, on account of that alliance, the most proper person for finding expedients to accommodate the difference. Jane pretended to interpose with her good offices: Mary, the queen-dowager, feigned the same amicable disposition: And these two princesses told Edmond, that the circumstance, the most difficult to adjust, was the point of honor with Philip, who thought himself affronted by the injuries committed against him by his sub-vassals in Guienne: But if Edward would once consent to give him seizin and pos-

" Trivet, p. 275.

" Ibid. p. 276.

session of that province, he would think his honor fully repaired, would engage to restore Guienne immediately, and would accept of a very easy satisfaction for all the other injuries. The king was consulted on the occasion; and as he then found himself in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favorite passion for subduing that nation, allowed himself to be deceived by so gross an artifice ". He sent his brother orders to sign and execute the treaty with the two queens; Philip solemnly promised to execute his part of it; and the king's citation to appear in the court of France, was accordingly recalled: But the French monarch was no sooner put in possession of Guienne, than the citation was renewed; Edward was condemned for non-appearance; and Guienne, by a formal sentence, was declared to be forfeited and annexed to the crown ". C H A P.
XIII.
1294.

EDWARD, fallen into a like snare with that which he himself had spread for the Scots, was enraged; and the more so, as he was justly ashamed of his own conduct, in being so egregiously over-reached by the court of France. Sensible of the extreme difficulties, which he should encounter in the recovery of Gascony, where he

" Rymer, vol. ii. p. 619, 620. Walsing. p. 61. Heming. vol. i. p. 42, 43. Trivet, p. 277.

" Rymer, vol. ii. p. 620. 622. Walsing. p. 61. Trivet, p. 278.

CHAP. XIII. had not retained a single place in his hands; he endeavoured to compensate that loss, by forming alliances with several princes, who, he projected, should attack France on all quarters, and make a diversion of her forces. Adolphus de Nassau, king of the Normans, entered into a treaty with him for that purpose⁶⁶; as did also Amadæus, count of Savoy, the archbishop of Cologne, the counts of Gueldre and Luxembourg; the duke of Brabant and count of Barre, who had married his two daughters, Margaret and Eleanor: But these alliances were extremely burdensome to his narrow revenues, and proved in the issue entirely ineffectual. More impression was made on Guienne by an English army, which he completed by emptying the jails of many thousand thieves and robbers, who had been confined there for their crimes. So low had the profession of arms fallen, and so much had it degenerated from the estimation in which it stood during the vigor of the feudal system!

1295.

THE king himself was detained in England, first by contrary winds⁶⁷, then by his apprehensions of a Scottish invasion, and by a rebellion of the Welsh, whom he repressed and brought again under subjection⁶⁸. The army, which he sent to Guienne, was commanded by his nephew, John de Bretagne, earl of Richmond, and under

⁶⁶ Heming. vol. i. p. 51. ⁶⁷ Chron. Dunst. vol. ii. p. 622. ⁶⁸ Walsing. p. 62. Heming. vol. i. p. 55. Trivet, p. 282. Chron. Dunst. vol. ii. p. 622.

him by St. John, Tibetot, de Vere, and other officers of reputation"; who made themselves masters of the town of Bayonne, as well as of Bourg, Blaye, Reole, St. Severe, and other places, which straitened Bourdeaux, and cut off its communication both by sea and land. The favor, which the Gascon nobility bore to the English government, facilitated these conquests, and seemed to promise still greater successes; but this advantage was soon lost by the misconduct of some of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid siege to Podensac, a small fortress near Reole, obliged Giffard, the governor, to capitulate; and the articles, though favorable to the English, left all the Gascons prisoners at discretion, of whom about fifty were hanged by Charles as rebels: A policy, by which he both intimidated that people, and produced an irreparable breach between them and the English⁷⁰. That prince immediately attacked Reole, where the earl of Richmond himself commanded; and as the place seemed not tenable, the English general drew his troops to the water-side, with an intention of embarking with the greater part of the army. The enraged Gascons fell upon his rear, and at the same time opened their gates to the French, who, besides making themselves masters of the place, took many prisoners of distinction. St. Severe was more vigorously defended

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⁷⁰ Trivet, p. 279.

⁷¹ Heming. vol. i. p. 49.

S H A P. by Hugh de Vere, son of the earl of Oxford;
XIII. but was at last obliged to capitulate. The French
1295. king, not content with these successes in Gascony, threatened England with an invasion; and by a sudden attempt, his troops took and burnt Dover⁷¹, but were obliged soon after to retire. And in order to make a greater diversion of the English force, and engage Edward in dangerous and important wars, he formed a secret alliance with John Baliol, king of Scotland; the commencement of that strict union, which, during so many centuries, was maintained, by mutual interests and necessities, between the French and Scottish nations. John confirmed this alliance by stipulating a marriage between his eldest son and the daughter of Charles de Valois⁷².

Digression
 concerning
 the constitution
 of parliament.

THE expences attending these multiplied wars of Edward, and his preparations for war, joined to alterations which had insensibly taken place in the general state of affairs, obliged him to have frequent recourse to parliamentary supplies, introduced the lower orders of the state into the public councils, and laid the foundations of great and important changes in the government.

THOUGH nothing could be worse calculated for cultivating the arts of peace or maintaining peace itself, than the long subordination of vassalage from the king to the meanest gentleman,

⁷¹ Trivet, p. 284. Chron. Dunst. vol. ii. p. 642.

⁷² Rymer, vol. ii. p. 680, 681. 695. 697. Heming. vol. i. p. 76. Trivet, p. 285.

and the consequent slavery of the lower people, evils inseparable from the feudal system; that system was never able to fix the state in a proper warlike posture, or give it the full exertion of its power for defence, and still less for offence, against a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or services; composed a disorderly and consequently a feeble army; and during the few days, which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, against whom they were assembled. The sovereigns came gradually to disuse this cumbersome and dangerous machine, so apt to recoil upon the hand which held it; and exchanging the military service for pecuniary supplies, enlisted forces by means of a contract with particular officers, (such as those the Italians denominate *Condottieri*) whom they dismissed at the end of the war²³. The barons and knights themselves often entered into these engagements with the prince; and were enabled to fill their bands, both by the authority which they possessed over their vassals and tenants, and from the great numbers of loose, disorderly people, whom they found on their estates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine.

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²³ Cotton's Abr. p. 11.

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MEAN-WHILE, the old Gothic fabric, being neglected, went gradually to decay. Though the Conqueror had divided all the lands of England into sixty thousand knights' fees, the number of these was insensibly diminished by various artifices; and the king at last found, that, by putting the law in execution, he could assemble a small part only of the ancient force of the kingdom. It was an usual expedient for men, who held of the king or great barons by military tenure, to transfer their land to the church, and receive it back by another tenure called frankalmoigne, by which they were not bound to perform any service⁷⁴. A law was made against this practice; but the abuse had probably gone far before it was attended to, and probably was not entirely corrected by the new statute, which, like most laws of that age, we may conjecture to have been but feebly executed by the magistrate against the perpetual interest of so many individuals. The constable and mareschal; when they mustered the armies, often, in a hurry, and for want of better information, received the service of a baron for fewer knights' fees, than were due by him; and one precedent of this kind was held good against the king, and became ever after a reason for diminishing the service⁷⁵. The rolls of knights' fees were inaccurately kept; no care was taken to correct them before the armies

⁷⁴ Madox's *Baronia Anglica*, p. 114.

⁷⁵ *Ibid.* p. 115.

were summoned into the field¹⁶; it was then too late to think of examining records and charters; and the service was accepted on the footing which the vassal himself was pleased to acknowledge, after all the various subdivisions and conjunctions of property had thrown an obscurity on the nature and extent of his tenure¹⁷. It is easy to judge of the intricacies which would attend disputes of this kind with individuals; when even the number of military fees, belonging to the church, whose property was fixed and unalienable, became the subject of controversy; and we find in particular, that, when the bishop of Durham was charged with seventy knights' fees for the aid levied on occasion of the marriage of Henry II.'s daughter to the duke of Saxony, the prelate acknowledged ten, and disowned the other sixty¹⁸. It is not known in what manner this difference was terminated; but had the question been concerning an armament to defend the kingdom, the bishop's service would probably have been received without opposition for ten fees; and this rate must also have fixed all his future payments. Pecuniary scutages, therefore, diminished as much as military services¹⁹: Other

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¹⁶ We hear only of one king, Henry II. who took this pain; and the record, called *Liber niger Scaccarii*, was the result of it. ¹⁷ Madox, Bar. Ang. p. 116.

¹⁸ Ibid. p. 122. Hist. of Exch. p. 404.

¹⁹ In order to pay the sum of 100,000 marks, as king Richard's ransom, twenty shillings were imposed on each

C H A P. methods of filling the exchequer as well as the
XIII. armies must be devised: New situations produced
1295. new laws and institutions: And the great alterations in the finances and military power of the crown, as well as in private property, were the source of equal innovations in every part of the legislature or civil government.

THE exorbitant estates, conferred by the Norman on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually shared out into more hands; and those immense baronies were divided, either by provisions to younger children, by partitions among co-heirs, by sale, or by escheating to the king, who gratified a great number of his courtiers, by dealing them out among them in smaller portions. Such moderate estates, as they required œconomy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and small barons grew daily more numerous, and began to form a very respectable rank or order in the state. As they were all immediate vassals of the crown by military tenure, they were, by the principles of the feudal law, equally entitled with the greatest

knight's fee. Had the fees remained on the original footing, as settled by the Conqueror, this scutage would have amounted to 90,000 marks, which was nearly the sum required: But we find, that other grievous taxes were imposed to complete it: A certain proof, that many frauds and abuses had prevailed in the roll of knights fees.

barons

barons to a seat in the national or general council; and this right, though regarded as a privilege, which the owners would not entirely relinquish, was also considered as a burthen, which they desired to be subjected to on extraordinary occasions only. Hence it was provided in the charter of king John, that, while the great barons were summoned to the national council by a particular writ, the small barons, under which appellation the knights were also comprehended, should only be called by a general summons of the sheriff. The distinction between great and small barons, like that between rich and poor, was not exactly defined; but, agreeably to the inaccurate genius of that age and to the simplicity of ancient government, was left very much to be determined by the discretion of the king and his ministers. It was usual for the prince to require, by a particular summons, the attendance of a baron in one parliament, and to neglect him in future parliaments^{**}; nor was this uncertainty ever complained of as an injury. He attended when required: He was better pleased on other occasions to be exempted from the burthen: And as he was acknowledged to be of the same order with the greatest barons, it gave them no surprise to see him take his seat in the great council, whether he appeared of his own accord, or by a particular summons from the king. The barons

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^{**} Chancellor West's enquiry into the manner of creating peers, p. 43. 46, 47. 55.

S H A P. by *Writ*, therefore, began gradually to intermix
XIII. themselves with the barons by *Tenure*; and, as
1295. Camden tells us¹, from an ancient manuscript, now lost, that, after the battle of *Evesham*, a positive law was enacted, prohibiting every baron from appearing in parliament, who was not invited thither by a particular summons, the whole baronage of England held thenceforward their seat by writ, and this important privilege of their tenures was in effect abolished. Only, where writs had been regularly continued for some time in one great family, the omission of them would have been regarded as an affront, and even as an injury.

A LIKE alteration gradually took place in the order of earls, who were the highest rank of barons. The dignity of an earl, like that of a baron, was anciently territorial and official²: He exercised jurisdiction within his county: He levied the third of the fines to his own profit: He was at once a civil and a military magistrate: And though his authority, from the time of the Norman conquest, was hereditary in England, the title was so much connected with the office, that, where the king intended to create a new earl, he had no other expedient than to erect a certain territory into a county or earldom, and to bestow it upon the person and his family³.

¹ In *Britann.* p. 122.

² *Spelm. Gloss.* in voce *Comes*. ³ *Essays on British antiquities.* This practice, however, seems to have been

But as the sheriffs, who were the vice-gerents of the earls, were named by the king, and removeable at pleasure, he found them more dependent upon him; and endeavoured to throw the whole authority and jurisdiction of the office into their hands. This magistrate was at the head of the finances, and levied all the king's rents within the county: He assessed at pleasure the talliages of the inhabitants in royal demesne: He had usually committed to him the management of wards and often of escheats: He presided in the lower courts of judicature: And thus, though inferior to the earl in dignity, he was soon considered, by this union of the judicial and fiscal powers, and by the confidence reposed in him by the king, as much superior to him in authority, and undermined his influence within his own jurisdiction. It became usual, in creating an earl, to give him a fixed salary, commonly about twenty pounds a year, in lieu of his third of the fines: The diminution of his power kept pace with the retrenchment of his profit: And the dignity of earl, instead of being territorial and official, dwindled into personal and titular. Such were the mighty alterations, which already had fully taken place, or were gradually advancing, in the house of peers; that

more familiar in Scotland and the kingdoms on the continent, than in England.

* There are instances of princes of the blood who accepted of the office of sheriff. Spelman in voce *Vicecomes*.

C H A P. is, in the parliament: For there seems anciently
XIII. to have been no other house.

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BUT though the introduction of barons by writ, and of titular earls, had given some increase to royal authority; there were other causes, which counterbalanced those innovations, and tended in a higher degree to diminish the power of the sovereign. The disuse, into which the feudal militia had in a great measure fallen, made the barons almost entirely forget their dependence on the crown: By the diminution of the number of knights fees, the king had no reasonable compensation when he levied scutages and exchanged their service for money: The alienations of the crown lands had reduced him to poverty: And above all, the concession of the Great Charter had set bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary act of arbitrary authority. In this situation it was natural for the king to court the friendship of the lesser barons and knights, whose influence was no ways dangerous to him, and who, being exposed to oppression from their powerful neighbours, sought a legal protection under the shadow of the throne. He desired, therefore, to have their presence in parliament, where they served to controul the turbulent resolutions of the great. To exact a regular attendance of the whole body would have produced confusion, and would have imposed too heavy a burden upon them. To summon only a few by writ, though it was prac-

tified and had a good effect, served not entirely the king's purpose; because these members had no farther authority than attended their personal character, and were eclipsed by the appearance of the more powerful nobility. He therefore dispensed with the attendance of most of the lesser barons in parliament; and in return for this indulgence (for such it was then esteemed) required them to chuse in each county a certain number of their own body, whose charges they bore, and who, having gained the confidence, carried with them, of course, the authority, of the whole order. This expedient had been practised at different times, in the reign of Henry III. "and regularly, during that of the present king. The numbers sent up by each county varied at the will of the prince": They took their seat among the other peers; because by their tenure they belonged to that order": The introducing of them into that house scarcely appeared an innovation: And though it was easily in the king's power, by varying their number, to command the resolutions of the whole parliament, this circumstance was little attended to, in an age when force was more prevalent than laws, and when a resolution, though taken by the majority of a

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" Rot. Claus. 38. Hen. III. m. 7. and 12. d.: As also Rot. Claus. 42. Hen. III. m. 1. d. Prynne's Pref. to Cotton's Abridgment.

" Brady's answer to Petyt, from the records, p. 151.

" Brady's Treatise of Boroughs, App. N^o. 13.

U H A P. legal assembly, could not be executed, if it opposed the will of the more powerful minority.

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BUT there were other important consequences, which followed the diminution and consequent disuse of the ancient feudal militia. The king's expence, in levying and maintaining a military force for every enterprise, was increased beyond what his narrow revenues were able to bear: As the scutages of his military tenants, which were accepted in lieu of their personal service, had fallen to nothing; there were no means of supply but from voluntary aids granted him by the parliament and clergy: Or from the talliages which he might levy upon the towns and inhabitants in royal demesne. In the preceding year, Edward had been obliged to exact no less than the sixth of all moveables from the laity, and a moiety of all ecclesiastical benefices " for his expedition into Poictou, and the suppression of the Welsh: And this distressful situation, which was likely often to return upon him and his successors, made him think of a new device, and summon the representatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, seems to be the real and true epoch of the house of commons; and the faint dawn of popular government in England. For the representatives of the counties were only deputies from the smaller barons and lesser nobility: And the

" Brady, p. 31. from the records, Heming. vol. i. p. 52.
M. West. p. 422. Ryley, p. 462.

former precedent of representatives from the boroughs, who were summoned by the earl of Leicester, was regarded as the act of a violent usurpation, had been discontinued in all the subsequent parliaments, and if such a measure had not become necessary on other accounts, that precedent was more likely to blast than give credit to it.

DURING the course of several years, the kings of England, in imitation of other European princes, had embraced the salutary policy of encouraging and protecting the lower and more industrious orders of the state; whom they found well disposed to obey the laws and civil magistrate, and whose ingenuity and labor furnished commodities, requisite for the ornament of peace and support of war. Though the inhabitants of the country were still left at the disposal of their imperious lords; many attempts were made, to give more security and liberty to citizens, and make them enjoy unmolested the fruits of their industry. Boroughs were erected by royal patent within the demesne lands: Liberty of trade was conferred upon them: The inhabitants were allowed to farm at a fixed rent their own tolls and customs¹¹: They were permitted to elect their own magistrates: Justice was administered to them by these magistrates, without obliging them to attend the sheriff or county court: And some shadow of independence, by means of these

¹¹ Madox, Firma Burgi, p. 21.

E H A P. equitable privileges, was gradually acquired by
 XIII. the people". The king, however, retained still
 3295. the power of levying talliages or taxes upon them
 at pleasure"; and though their poverty and the
 customs of the age made these demands neither
 frequent nor exorbitant, such unlimited authority
 in the sovereign was a sensible check upon com-
 merce, and was utterly incompatible with all
 the principles of a free government. But when
 the multiplied necessities of the crown produced
 a greater avidity for supply, the king, whose
 prerogative entitled him to exact it, found that
 he had not power sufficient to enforce his edicts,
 and that it was necessary, before he imposed
 taxes, to smoothe the way for his demand, and
 to obtain the previous consent of the boroughs,
 by solicitations, remonstrances, and authority.
 The inconvenience of transacting this business
 with every particular borough was soon felt;
 and Edward became sensible, that the most
 expeditious way of obtaining supply, was to
 assemble the deputies of all the boroughs, to lay
 before them the necessities of the state, to discuss
 the matter in their presence, and to require their
 consent to the demands of their sovereign. For

" Brady of Boroughs, App. N°. 1, 2, 3.

" The king had not only the power of talliating the inha-
 bitants within his own demesnes, but that of granting to parti-
 cular barons the power of talliating the inhabitants within theirs.
 See Brady's answer to Petyt, p. 118. Madox's Hist. of the
 Exchequer, p. § 18.

this reason, he issued writs to the sheriffs, enjoining them to send to parliament, along with two knights of the shire, two deputies from each borough within their county", and these provided with sufficient powers from their community, to consent, in their name, to what he and his council should require of them. *As it is a most equitable rule*; says he, in his preamble to this writ, *that what concerns all should be approved of by all; and common dangers be repelled by united efforts*"; a noble principle, which may seem to indicate a liberal mind in the king, and which laid the foundation of a free and an equitable government.

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AFTER the election of these deputies, by the aldermen and common council, they gave sureties for their attendance before the king and parliament: Their charges were respectively borne by the borough, which sent them: And they had so little idea of appearing as legislators, a character extremely wide of their low rank and condition", that no intelligence could be more

" Writs were issued to about 120 cities and boroughs.

" Brady of boroughs, p. 25. 33. from the records. The writs of the parliament immediately preceding, remain: and the return of knights is there required, but not a word of the boroughs: A demonstration, that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a seemingly free consent of each particular borough, beginning with London. Id. p. 31, 32, 33. from the records. Also his answer to Petyt, p. 40, 41.

" Reliquia Spelm. p. 64. Prynne's pref. to Cotton's Abridg. and the Abridg. passim.

C H A P. disagreeable to any borough, than to find that
 XIII. they must elect, or to any individual than that
 1295. he was elected, to a trust from which no profit
 or honor could possibly be derived". They
 composed not, properly speaking, any essential
 part of the parliament: They sat apart both from
 the barons and knights", who disdained to mix
 with such mean personages: After they had
 given their consent to the taxes required of them,
 their business being then finished, they separated,
 even though the parliament still continued to sit,
 and to canvass the national business": And as
 they all consisted of men, who were real burge-
 ses of the place from which they were sent, the
 sheriff, when he found no person of abilities or
 wealth sufficient for the office, often used the free-
 dom of omitting particular boroughs in his returns;
 and as he received the thanks of the people for
 this indulgence, he gave no displeasure to the
 court, who levied on all the boroughs, without
 distinction, the tax agreed to by the majority of
 deputies".

" Brady of Boroughs, p. 59, 60.

" Ibid. p. 37, 38. from the records, and append. p. 19.
 Also his append. to his ans. to Petyt, Record. And his
 Gloss. in verb. *Communitas Regn.* p. 33.

" Ryley's Placit. Parl. p. 241, 242, &c. Cotton's Abridg.
 p. 14. " Brady of Boroughs, p. 52. from the records.
 There is even an instance in the reign of Edward III. when the
 king named all the deputies. Id. ans. to Petyt, p. 161. If
 he fairly named the most considerable and creditable burges-
 ses, little exception would be taken; as their business was not to

THE union, however, of the representatives from the boroughs gave gradually more weight to the whole order; and it became customary for them, in return for the supplies which they granted, to prefer petitions to the crown for the redress of any particular grievance, of which they found reason to complain. The more the king's demands multiplied, the faster these petitions increased both in number and authority; and the prince found it difficult to refuse men, whose grants had supported his throne, and to whose assistance he might so soon be again obliged to have recourse. The commons however were still much below the rank of legislators". Their petitions, though they received a verbal assent from the throne, were only the rudiments of laws: The judges were afterwards intrusted with the power of putting them into form: And the king, by adding to them the sanction of his authority, and that sometimes without the assent of the nobles, bestowed validity upon them. The age did not refine so much as to perceive the danger of these irregularities. No man was displeased, that the sovereign, at the desire of any class of men, should issue an order, which appeared only to concern that class; and his predecessors

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check the king, but to reason with him, and consent to his demands. It was not till the reign of Richard II. that the sheriffs were deprived of the power of admitting boroughs at pleasure. See Stat. at large, 5th Richard II. cap. 4.

" See note [D] at the end of the volume.

C H A P. were so near possessing the whole legislative power, **XIII.** that he gave no disgust by assuming it in this
1295. seemingly inoffensive manner. But time and farther experience gradually opened men's eyes and corrected these abuses. It was found, that no laws could be fixed for one order of men without affecting the whole ; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The house of peers, therefore, the most powerful order in the state, with reason expected, that their assent should be expressly granted to all public ordinances ¹⁰⁰: And in the reign of Henry V. the commons required, that no laws should be framed merely upon their petitions, unless the statutes were worded by themselves, and had passed their house in the form of a bill ¹⁰¹.

BUT as the same causes, which had produced a partition of property, continued still to operate; the number of knights and lesser barons, or what the English call the gentry, perpetually increased, and they sunk into a rank still more inferior to the great nobility. The equality of tenure was

¹⁰⁰ In those instances found in Cotton's abridgement, where the king appears to answer of himself the petitions of the commons, he probably exerted no more than that power, which was long inherent in the crown, of regulating matters by royal edicts or proclamations. But no durable or general statute seems ever to have been made by the king from the petition of the commons alone, without the assent of the peers. It is more likely that the peers alone, without the commons, would enact statutes.

¹⁰¹ Brady's ansr. to Petyt, p. 85. from the records.

lost in the great inferiority of power and property; and the house of representatives from the counties was gradually separated from that of the peers, and formed a distinct order in the state¹⁰². The growth of commerce, mean-while, augmented the private wealth and consideration of the burghesses; the frequent demands of the crown increased their public importance; and as they resembled the knights of shires in one material circumstance, that of representing particular bodies of men; it no longer appeared unsuitable to unite them together in the same house, and to confound their rights and privileges¹⁰³. Thus the third estate, that of the commons, reached at last its present form; and as the country gentlemen made thenceforwards no scruple of appearing as deputies from the boroughs, the distinction between the members was entirely lost, and the lower house acquired thence a great accession of weight and importance in the kingdom. Still, however, the office of this estate was very different from that which it has since exercised with so much advantage to the public. Instead of checking and controuling the authority of the king, they were naturally induced to adhere to him, as the great fountain of law and justice, and to support him against the power of the aristocracy, which at once was the source of oppression to themselves, and disturbed him in the execution of the laws.

¹⁰² Cotton's abridgment, p. 13.

¹⁰³ See note [E] at the end of the volume.

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C H A P. The king, in his turn, gave countenance to an
XIII. order of men, so useful and so little dangerous:
1295. The peers also were obliged to pay them some
 consideration: And by this means, the third
 estate, formerly so abject in England, as well as
 in all other European nations, rose by slow
 degrees to their present importance; and in their
 progress made arts and commerce, the necessary
 attendants of liberty and equality, flourish in the
 kingdom ¹⁰⁰.

WHAT sufficiently proves, that the commence-
 ment of the house of burgesses, who are the true
 commons, was not an affair of chance, but arose
 from the necessities of the present situation, is,
 that Edward, at the very same time, summoned
 deputies from the inferior clergy, the first that
 ever met in England ¹⁰¹, and he required them to
 impose taxes on their constituents for the public
 service. Formerly the ecclesiastical benefices bore
 no part of the burthens of the state: The pope
 indeed of late had often levied impositions upon
 them: He had sometimes granted this power to
 the sovereign ¹⁰²: The king himself had in the
 preceding year exacted, by menaces and violence,
 a very grievous tax of half the revenues of the
 clergy: But as this precedent was dangerous,

¹⁰⁰. See note [F] at the end of the volume.

¹⁰¹ Archbishop Wake's State of the church of England,
 p. 235. Brady of Boroughs, p. 34. Gilbert's Hist. of Exch.
 p. 46. ¹⁰² Ann. Waverl. p. 227, 228. T. Wykes,
 p. 99. 120.

and could not easily be repeated in a government which required the consent of the subject to any extraordinary resolution, Edward found it more prudent to assemble a lower house of convocation, to lay before them his necessities, and to ask some supply. But on this occasion he met with difficulties. Whether that the clergy thought themselves the most independent body in the kingdom, or were disgusted by the former exorbitant impositions, they absolutely refused their assent to the king's demand of a fifth of their moveables; and it was not till a second meeting, that, on their persisting in this refusal, he was willing to accept of a tenth. The barons and knights granted him, without hesitation, an eleventh; the burgessees, a seventh. But the clergy still scrupled to meet on the king's writ; lest by such an instance of obedience they should seem to acknowledge the authority of the temporal power: And this compromise was at last fallen upon, that the king should issue his writ to the archbishop; and that the archbishop should, in consequence of it, summon the clergy, who, as they then appeared to obey their spiritual superior, no longer hesitated to meet in convocation. This expedient, however, was the cause, why the ecclesiasties were separated into two houses of convocation; under their several archbishops, and formed not one estate, as in other countries of Europe; which was at first the king's intention¹⁰⁷. We now return to the course of our narration.

¹⁰⁷ Gilbert's Hist. of Exch. p. 51. 54.

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C H A P. EDWARD, conscious of the reasons of disgust
XIII. which he had given to the king of Scots, informed
1255. of the dispositions of that people, and expecting
 the most violent effects of their resentment, which
 he knew he had so well merited; employed the
 supplies, granted him by his people, in making
 preparations against the hostilities of his northern
 neighbour. When in this situation, he received
 intelligence of the treaty secretly concluded be-
 tween John and Philip; and though uneasy at
 this concurrence of a French and Scottish war,
 he resolved not to encourage his enemies by a
 pusillanimous behaviour, or by yielding to their
 united efforts. He summoned John to perform the
 duty of a vassal, and to send him a supply of
 forces against an invasion from France, with
 which he was then threatened: He next required,
 that the fortresses of Berwic, Jedborough, and
 Roxborough, should be put into his hands as a
 security during the war¹⁰⁰. He cited John to
 appear in an English parliament to be held at
 Newcastle: And when none of these successive
 demands were complied with, he marched north-
 ward with numerous forces, 30,000 foot, and
 4000 horse, to chastise his rebellious vassal. The
 Scottish nation, who had little reliance on the
 vigor and abilities of their prince, assigned him
 a council of twelve noblemen, in whose hands

¹⁰⁰ Rymer, vol. ii. p. 692. Walsing. p. 64. Heming.
 vol. i. p. 84. Trivet, p. 286.

the

the sovereignty was really lodged ¹⁰⁰, and who put the country in the best posture of which the present distractions would admit. A great army, composed of 40,000 infantry, though supported only by 500 cavalry, advanced to the frontiers; and after a fruitless attempt upon Carlisle, marched eastwards to defend those provinces which Edward was preparing to attack. But some of the most considerable of the Scottish nobles, Robert Bruce, the father and son, the earls of March and Angus, prognosticating the ruin of their country, from the concurrence of intestine divisions and a foreign invasion, endeavoured here to ingratiate themselves with Edward, by an early submission; and the king, encouraged by this favorable incident, led his army into the enemy's country, and crossed the Tweed without opposition at Coldstream. He then received a message from John, by which that prince, having now procured, for himself and his nation, pope Celestine's dispensation from former oaths, renounced the homage which had been done to England, and set Edward at defiance ¹⁰¹. This bravado was but ill supported by the military operations of the Scots. Berwic was already taken by assault: Sir William Douglas, the governor, was made prisoner: Above 7000 of the garrison were put to the sword: And Edward, elated by this great advantage, dispatched earl Warrenne with 12,000 men,

C H A P.
XIII.
1296.

28th March.

¹⁰⁰ Heming. vol. i. p. 75. ¹⁰¹ Rymer, vol. ii. p. 607. Walling. p. 66. Heming. vol. i. p. 92.

C H A P. to lay siege to Dunbar, which was defended by
XIII. the flower of the Scottish nobility.

1296.

27 April.

THE Scots, sensible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Marre, in order to relieve it. Warrenne, not dismayed at the great superiority of their number, marched out to give them battle. He attacked them with great vigor; and as undisciplined troops, when numerous, are but the more exposed to a panic upon any alarm, he soon threw them into confusion, and chased them off the field with great slaughter. The loss of the Scots is said to have amounted to 20,000 men: The castle of Dunbar, with all its garrison, surrendered next day to Edward, who, after the battle, had brought up the main body of the English, and who now proceeded with an assured confidence of success. The castle of Roxborough was yielded by James, steward of Scotland; and that nobleman, from whom is descended the royal family of Stuart, was again obliged to swear fealty to Edward. After a feeble resistance, the castles of Edinburgh and Stirling opened their gates to the enemy. All the southern parts were instantly subdued by the English; and to enable them the better to reduce the northern, whose inaccessible situation seemed to give them some more security, Edward sent for a strong reinforcement of Welsh and Irish, who, being accustomed to a desultory kind of war, were the best fitted

to pursue the fugitive Scots into the recesses of their lakes and mountains. But the spirit of the nation was already broken by their misfortunes; and the feeble and timid Baliol, discontented with his own subjects, and over-awed by the English, abandoned all those resources, which his people might yet have possessed in this extremity. He hastened to make his submissions to Edward; he expressed the deepest penitence for his disloyalty to his liege lord; and he made a solemn and irrevocable resignation of his crown into the hands of that monarch¹¹¹. Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: No Scotchman approached him but to pay him submission and do him homage: Even the turbulent Highlanders, ever refractory to their own princes, and averse to the restraint of laws, endeavoured to prevent the devastation of their country, by giving him early proofs of obedience: And Edward, having brought the whole kingdom to a seeming state of tranquillity, returned to the south with his army. There was a stone, to which the popular superstition of the Scots paid the highest veneration: All their kings were seated on it, when they received the rite of inauguration: An ancient tradition assured them, that, wherever this stone was placed, their nation should always govern: And it was carefully preserved at Scone, as the true palladium

C H A P.
XIII.
1296.
Scotland
subdued.

¹¹¹ Rymer, vol. ii. p. 718. Walsing. p. 67. Heming: vol. i. p. 99. Trivet, p. 292.

C H A P. of their monarchy, and their ultimate resource
XIII. amidst all their misfortunes. Edward got possession of it; and carried it with him to England¹¹².
1296. He gave orders to destroy the records, and all those monuments of antiquity, which might preserve the memory of the independence of the kingdom, and refute the English claims of superiority. The Scots pretend, that he also destroyed all the annals preserved in their convents: But it is not probable, that a nation, so rude and unpolished, should be possessed of any history, which deserves much to be regretted. The great seal of Baliol was broken; and that prince himself was carried prisoner to London, and committed to custody in the Tower. Two years after, he was restored to liberty, and submitted to a voluntary banishment in France; where, without making any farther attempts for the recovery of his royalty, he died in a private station. Earl Warrenne was left governor of Scotland¹¹³: Englishmen were intrusted with the chief offices: And Edward, flattering himself that he had attained the end of all his wishes, and that the numerous acts of fraud and violence, which he had practised against Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

War with
France.

AN attempt, which he made about the same time, for the recovery of Guienne, was not

¹¹² Walsing. p. 68. Trivet, p. 299.

¹¹³ Ibid. p. 295. Rymer, vol. ii. p. 726.

equally successful. He sent thither an army of 7000 men, under the command of his brother the earl of Lancaster. That prince gained at first some advantages over the French at Bourdeaux: But he was soon after seized with a distemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing considerable during the rest of the campaign ¹¹⁴.

C H A P.
XIII.
1296.

BUT the active and ambitious spirit of Edward, while his conquests brought such considerable accessions to the English monarchy, could not be satisfied, so long as Guienne, the ancient patrimony of his family, was wrested from him by the dishonest artifices of the French monarch. Finding, that the distance of that province rendered all his efforts against it feeble and uncertain, he purposed to attack France in a quarter where she appeared more vulnerable; and with this view, he married his daughter, Elizabeth, to John earl of Holland, and at the same time contracted an alliance with Guy earl of Flanders, stipulated to pay him the sum of 75,000 pounds, and projected an invasion with their united forces upon Philip, their common enemy ¹¹⁵. He hoped, that, when he himself, at the head of the English, Flemish, and Dutch armies, reinforced by his German allies, to whom he had promised or remitted considerable sums, should enter the fron-

¹¹⁴ Heming. vol. i. p. 72, 73, 74.

¹¹⁵ Rymer, vol. ii. p. 761. Walsing. p. 68.

C H A P. tiers of France, and threaten the capital itself,
 XIII. Philip would at last be obliged to relinquish his
 1296. acquisitions, and purchase peace by the restitution of Guienne. But in order to set this great machine in movement, considerable supplies were requisite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs, that of an eighth. The great and almost unlimited power of the king over the latter, enabled him to throw the heavier part of the burthen on them; and the prejudices, which he seems always to have entertained against the church, on account of the former zeal of the clergy for the Mountfort faction, made him resolve to load them with still more considerable impositions, and he required of them a fifth of their moveables. But he here met with an opposition, which for some time disconcerted all his measures, and engaged him in enterprises, that were somewhat dangerous to *him*; and would have proved fatal to any of his predecessors.

Diffusions
with the
clergy.

BONIFACE VIII. who had succeeded Celestine in the papal throne, was a man of the most lofty and enterprising spirit; and though not endowed with that severity of manners, which commonly accompanies ambition in men of his order, he was determined to carry the authority of the *papa*, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Sensible that his immediate pre-

deceffors, by oppreffing the church in every province of Chriftendom, had extremely alienated the affections of the clergy, and had afforded the civil magistrate a pretence for laying like impositions on ecclefiastical revenues, he attempted to refume the former ftation of the fovereign pontiff, and to eftablifh himfelf as the common protector of the fpiritual order againft all invaders. For this purpofe, he iffued very early in his pontificate a general bull, prohibiting all princes from levying without his confent any taxes upon the clergy, and all clergymen from fubmitting to fuch impositions; and he threatened both of them with the penalties of excommunication in cafe of difobedience ¹¹⁶. This important edict is faid to have been procured by the follicitation of Robert de Winchelfey archbifhop of Canterbury, who intended to employ it as a rampart againft the violent extortions, which the church had felt from Edward, and the ftill greater, which that prince's multiplied neceffities gave them reafon to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were moftly ftocked with their cattle, and cultivated by their villains; the clergy took fhelter under the bull of pope Boniface, and pleaded confcience in refufing compliance ¹¹⁷. The king came not

C H A P.
XIII.
1296.

¹¹⁶ Rymer, vol. ii. p. 706. Heming. vol. i. p. 104.

¹¹⁷ Ibid. p. 107. Trivet, p. 296. Chron. Dunst. vol. ii. p. 652.

CHAP. XIII. immediately to extremities on this repulse; but after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new synod, to confer with him upon his demand. The primate, not dismayed by these proofs of Edward's resolution, here plainly told him, that the clergy owed obedience to two sovereigns, their spiritual and their temporal; but their duty bound them to a much stricter attachment to the former than to the latter: They could not comply with his commands, (for such, in some measure, the requests of the crown were then deemed) in contradiction to the express prohibition of the sovereign pontiff¹¹⁶.

1297. THE clergy had seen in many instances, that Edward paid little regard to those numerous privileges, on which they set so high a value. He had formerly seized, in an arbitrary manner, all the money and plate belonging to the churches and convents, and had applied them to the public service¹¹⁷; and they could not but expect more violent treatment on this sharp refusal, grounded on such dangerous principles. Instead of applying to the pope for a relaxation of his bull, he resolved immediately to employ the power in his hands; and he told the ecclesiastics, that, since they refused to support the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the

¹¹⁶ Heming. vol. i. p. 107.
p. 65.

¹¹⁷ Ibid. p. 51. Walsing.

protection of the laws. This vigorous measure C H A P.
XIII.
1297 was immediately carried into execution¹²⁰. Orders were issued to the judges to receive no cause brought before them by the clergy; to hear and decide all causes in which they were defendants: To do every man justice against them; to do them justice against no body¹²¹. The ecclesiastics soon found themselves in the most miserable situation imaginable. They could not remain in their own houses or convents for want of subsistence: If they went abroad, in quest of maintenance, they were dismounted, robbed of their horses and cloaths, abused by every ruffian, and no redress could be obtained by them for the most violent injury. The primate himself was attacked on the highway, was stripped of his equipage and furniture, and was at last reduced to board himself with a single servant in the house of a country clergyman¹²². The king; mean-while, remained an indifferent spectator of all these violences; and without employing his officers in committing any immediate injury on the priests, which might have appeared invidious and oppressive, he took ample vengeance on them for their obstinate refusal of his demands. Though the archbishop issued a general sentence of excommunication against all who attacked the persons or property of ecclesiastics, it was not regarded: While Edward enjoyed the satisfaction of seeing the people become

¹²⁰ Walsing. p. 69. Heming. vol. i. p. 107.

¹²¹ M. West. p. 429. ¹²² Heming. vol. i. p. 109.

C H A P. XIII.
1297. the voluntary instruments of his justice against them, and inure themselves to throw off that respect for the sacred order, by which they had so long been overawed and governed.

THE spirits of the clergy were at last broken by this harsh treatment. Besides that the whole province of York, which lay nearest the danger that still hung over them from the Scots, voluntarily, from the first, voted a fifth of their moveables; the bishops of Salisbury, Ely, and some others, made a composition for the secular clergy within their dioceses; and they agreed, not to pay the fifth, which would have been an act of disobedience to Boniface's bull, but to deposit a sum equivalent in some church appointed them; whence it was taken by the king's officers¹²³. Many particular convents and clergymen made payment of a like sum, and received the king's protection¹²⁴. Those who had not ready money, entered into recognizances for the payment. And there was scarcely found one ecclesiastic in the kingdom, who seemed willing to suffer, for the sake of religious privileges, this new species of martyrdom, the most tedious and languishing of any, the most mortifying to spiritual pride, and not rewarded by that crown of glory, which the church holds up, with such ostentation, to her devoted adherents.

Arbitrary
measures.

BUT as the money, granted by parliament,

¹²³ Heming. vol. i. p. 108, 109. Chron. Dunst. p. 653.

¹²⁴ Ibid. p. 654.

though considerable, was not sufficient to supply the king's necessities, and that levied by compositions with the clergy came in slowly, Edward was obliged, for the obtaining of farther supply, to exert his arbitrary power, and to lay an oppressive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the same time forced them to pay him a duty of forty shillings a sack, which was computed to be above the third of the value¹²⁵. He seized all the rest of the wool, as well as all the leather of the kingdom, into his hands, and disposed of these commodities for his own benefit¹²⁶: He required the sheriffs of each county to supply him with 2000 quarters of wheat, and as many of oats, which he permitted them to seize wherever they could find them: The cattle and other commodities, necessary for supplying his army, were laid hold of without the consent of the owners¹²⁷: And though he promised to pay afterwards the equivalent of all these goods, men saw but little probability that a prince, who submitted so little to the limitations of law, could ever, amidst his multiplied necessities, be reduced to a strict observance of his engagements. He showed at the same time an equal disregard to the principles of the feudal law, by which all the lands of his kingdom were held: In order to increase his army,

C H A P.

XIII.

1297.

¹²⁵ Walsing. p. 69. Trivet, p. 296.

¹²⁶ Heming, vol. i. p. 52. 119. ¹²⁷ Ibid. p. 111.

C H A P. and enable him to support that great effort, which
 XIII. he intended to make against France, he required
 1297. the attendance of every proprietor of land, possessed of twenty pounds a year, even though he held not of the crown, and was not obliged by his tenure to perform any such service ¹¹⁸.

THESE acts of violence and of arbitrary power, notwithstanding the great personal regard generally borne to the king, bred murmurs in every order of men; and it was not long, ere some of the great nobility, jealous of their own privileges, as well as of national liberty, gave countenance and authority to these complaints. Edward assembled on the sea-coast an army, which he purposed to send over to Gascony, while he himself should in person make an impression on the side of Flanders; and he intended to put these forces under the command of Humphrey Bohun, earl of Hereford, the constable, and Roger Bigod, earl of Norfolk, the Mareschal of England. But these two powerful earls refused to execute his commands, and affirmed, that they were only obliged by their office to attend his person in the wars. A violent altercation ensued; and the king, in the height of his passion, addressing himself to the constable, exclaimed, *Sir earl, by God, you shall either go or hang.* By God, Sir King, replied Hereford, *I will neither go nor hang* ¹¹⁹. And he immediately departed, with the mareschal, and above thirty other considerable barons.

¹¹⁸ Walling. p. 69.

¹¹⁹ Heming. vol. i. p. 112.

UPON this opposition, the king laid aside the project of an expedition against Guienne; and assembled the forces, which he himself purposed to transport into Flanders. But the two earls, irritated in the contest and elated by impunity, pretending that none of their ancestors had ever served in that country, refused to perform the duty of their office in mustering the army¹¹⁶. The king, now finding it adviseable to proceed with moderation, instead of attainting the earls, who possessed their dignities by hereditary right, appointed Thomas de Berkeley, and Geoffrey de Geyneville, to act in that emergence, as constable and mareschal¹¹⁷. He endeavoured to reconcile himself with the church; took the primate again into favor¹¹⁸; made him, in conjunction with Reginald de Grey, tutor to the prince, whom he intended to appoint guardian of the kingdom during his absence; and he even assembled a great number of the nobility in Westminster-hall, to whom he deigned to make an apology for his past conduct. He pleaded the urgent necessities of the crown; his extreme want of money; his engagements from honor as well as interest to support his foreign allies: And he promised, if ever he returned in safety, to redress all their grievances, to restore the execution of the laws, and to make all his subjects compensation for the losses which they had sustained. Mean-while, he begged them

¹¹⁶ Rymer, vol. ii. p. 783. Walsing. p. 70.

¹¹⁷ M. West, p. 430. ¹¹⁸ Heming. vol. i. p. 113.

C H A P. to suspend their animosities; to judge of him by
XIII. his future conduct, of which, he hoped, he should
1297. be more master; to remain faithful to his government, or if he perished in the present war, to preserve their allegiance to his son and successor¹¹³.

THERE were certainly, from the concurrence of discontents among the great, and grievances of the people, materials sufficient, in any other period, to have kindled a civil war in England: But the vigor and abilities of Edward kept every one in awe; and his dexterity, in stopping on the brink of danger, and retracting the measures, to which he had been pushed by his violent temper and arbitrary principles, saved the nation from so great a calamity. The two great earls dared not to break out into open violence: They proceeded no farther than framing a remonstrance, which was delivered to the king at Winchelsea, when he was ready to embark for Flanders. They there complained of the violations of the great charter and that of forests; the violent seizure of corn, leather, cattle, and above all, of wool, a commodity, which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary imposition of forty shillings a sack on the small quantity of wool allowed to be exported by the merchants; and they claimed an immediate redress of all these grievances¹¹⁴. The king told them, that the greater part of his council were

¹¹³ Heming. vol. i. p. 114. M. West. p. 430.

¹¹⁴ Walsing. p. 72. Heming. vol. i. p. 115. Trivet, p. 302.

now at a distance, and without their advice he could not deliberate on measures of so great importance¹¹⁵.

C H A P.
XIII.
1297.

BUT the constable and mareschal, with the barons of their party, resolved to take advantage of Edward's absence, and to obtain an explicate assent to their demands. When summoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates should be put into their custody¹¹⁶. The primate, who secretly favored all their pretensions, advised the council to comply; and thus they became masters both of the young prince and of the resolutions of parliament. Their demands, however, were moderate; and such as sufficiently justify the purity of their intentions in all their past measures: They only required, that the two charters should receive a solemn confirmation; that a clause should be added to secure the nation for ever against all impositions and taxes without consent of parliament; and that they themselves and their adherents, who had refused to attend the king into Flanders, should be pardoned for the offence, and should be again received into favor¹¹⁷. The prince of Wales and his council assented to these terms; and the charters were sent over to the king in

Dissensions
with the
barons.

¹¹⁵ Walsing. p. 72. Trivet, p. 304. Heming. vol. i. p. 117.
¹¹⁶ Ibid. p. 138. ¹¹⁷ Ibid. p. 138, 139, 140, 141. Walsing. p. 73. Trivet, p. 308.

C. H. A. P. Flanders to be there confirmed by him. Edward
 XIII.
 1297. felt the utmost reluctance to this measure, which, he apprehended, would for the future impose fetters on his conduct, and set limits to his lawless authority. On various pretences, he delayed three days giving any answer to the deputies; and when the pernicious consequences of his refusal were represented to him, he was at last obliged, after many internal struggles, to affix his seal to the charters, as also to the clause that bereaved him of the power, which he had hitherto assumed, of imposing arbitrary taxes upon the people¹¹⁸.

THAT we may finish at once this interesting transaction concerning the settlement of the charters, we shall briefly mention the subsequent events which relate to it. The constable and mareschal, informed of the king's compliance, were satisfied; and not only ceased from disturbing the government, but assisted the regency with their power against the Scots, who had risen in arms, and had thrown off the yoke of England¹¹⁹. But being sensible, that the smallest pretence would suffice to make Edward retract these detested laws, which, though they had often received the sanction both of king and parliament, and had been acknowledged during three reigns, were never yet deemed to have sufficient validity; they insisted, that he should

¹¹⁸ Walsing. p. 74. Heming. vol. i. p. 143.

¹¹⁹ Ibid.

again

again confirm them on his return to England, and should thereby renounce all plea which he might derive from his residing in a foreign country, when he formerly affixed his seal to them¹¹⁰. It appeared, that they judged aright of Edward's character and intentions: He delayed this confirmation as long as possible; and when the fear of worse consequences obliged him again to comply, he expressly added a salvo for his royal dignity or prerogative, which in effect enervated the whole force of the charters¹¹¹. The two earls and their adherents left the parliament in disgust; and the king was constrained, on a future occasion, to grant to the people, without any subterfuge, a pure and absolute confirmation of those laws¹¹², which were so much the object of their passionate affection. Even farther securities were then provided for the establishment of national privileges. Three knights were appointed to be chosen in each county, and were invested with the power of punishing, by fine and imprisonment, every transgression or violation of the charters¹¹³: A precaution, which, though it was soon disused, as encroaching too much on royal prerogative, proves the attachment, which the English in that age bore to liberty, and their well-grounded jealousy of the arbitrary disposition of Edward.

THE work, however, was not yet entirely

¹¹⁰ Heming. vol. i. p. 159.

¹¹¹ Ibid. p. 167, 168.

¹¹² Ibid. p. 168.

¹¹³ Ibid. p. 170.

C H A P. finished and complete. In order to execute the
XIII. lesser charter, it was requisite, by new perambu-
1297. lations, to set bounds to the royal forests, and to disafforest all land which former encroachments had comprehended within their limits. Edward discovered the same reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many solicitations and requests, and even menaces of war and violence²⁴⁴, on the part of the barons, that the perambulations were made, and exact boundaries fixed, by a jury in each county, to the extent of his forests²⁴⁵. Had not his ambitious and active temper raised him so many foreign enemies, and obliged him to have recourse so often to the assistance of his subjects, it is not likely that those concessions could ever have been extorted from him.

BUT while the people, after so many successful struggles, deemed themselves happy in the secure possession of their privileges; they were surprised in 1305 to find, that Edward had secretly applied to Rome, and had procured, from that mercenary court, an absolution from all the oaths and engage-

²⁴⁴ Walsing. p. 80. We are told by Tyrrel, vol. ii. p. 145. from the Chronicle of St. Albans, that the barons not content with the execution of the charter of forests, demanded of Edward as high terms as had been imposed on his father by the earl of Leicester: But no other historian mentions this particular.

²⁴⁵ Heming. vol. i. p. 171. M. West. p. 431. 433.

ments, which he had so often reiterated, to observe both the charters. There are some historians¹⁴⁶ so credulous as to imagine, that this perilous step was taken by him for no other purpose than to acquire the merit of granting a new confirmation of the charters, as he did soon after; and a confirmation so much the more unquestionable, as it could never after be invalidated by his successors, on pretence of any force or violence which had been imposed upon him. But besides, that this might have been done with a better grace, if he had never applied for any such absolution, the whole tenor of his conduct proves him to be little susceptible of such refinements in patriotism; and this very deed itself, in which he anew confirmed the charters, carries on the face of it a very opposite presumption. Though he ratified the charters in general, he still took advantage of the papal bull so far as to invalidate the late perambulations of the forests, which had been made with such care and attention; and to reserve to himself the power, in case of favorable incidents, to extend as much as formerly those arbitrary jurisdictions. If the power was not in fact made use of, we can only conclude, that the favorable incidents did not offer.

Thus, after the contests of near a whole century, and these ever accompanied with violent jealousies, often with public convulsions, the

¹⁴⁶ Brady, vol. ii. p. 84. Carte, vol. ii. p. 292.

Q H A P. Great Charter was finally established; and the
XIII. English nation have the honor of extorting, by
1297. their perseverance, this concession from the ablest, the most warlike, and the most ambitious of all their princes ¹¹⁷. It is computed, that above thirty confirmations of the charter were at different times required of several kings, and granted by them, in full parliament; a precaution, which, while it discovers some ignorance of the true nature of law and government, proves a laudable jealousy of national privileges in the people, and an extreme anxiety, lest contrary precedents should ever be pleaded as an authority for infringing them. Accordingly we find, that, though arbitrary practices often prevailed, and were even able to establish themselves into settled customs, the validity of the Great Charter was never afterwards formally disputed; and that grant was still regarded as the basis of English government, and the sure rule by which the authority of every custom was to be tried and canvassed. The jurisdiction of the Star-chamber, martial law, imprisonment by warrants from the privy-council, and other practices of a like nature, though established for several centuries, were scarcely ever allowed by the English to be parts of their

¹¹⁷ It must however be remarked, that the king never forgave the chief actors in this transaction, and he found means afterwards to oblige both the constable and marshal to resign their offices into his hands. The former received a new grant of it: But the office of marshal was given to Thomas of Brotherton, the king's second son.

constitution: The affection of the nation for liberty still prevailed over all precedent, and even all political reasoning: The exercise of these powers, after being long the source of secret murmurs among the people, was, in fulness of time, solemnly abolished; as illegal, at least as oppressive, by the whole legislative authority.

CHAP.
XIII.
1297.

To return to the period from which this account of the charters has led us: Though the king's impatience to appear at the head of his armies in Flanders made him overlook all considerations, either of domestic discontents or of commotions among the Scots; his embarkation had been so long retarded by the various obstructions thrown in his way, that he lost the proper season for action, and after his arrival made no progress against the enemy. The king of France, taking advantage of his absence, had broken into the Low Countries; had defeated the Flemings in the battle of Furnes; had made himself master of Lille, St. Omer, Courtrai, and Ypres; and seemed in a situation to take full vengeance on the earl of Flanders, his rebellious vassal. But Edward, seconded by an English army of 50,000 men (for this is the number assigned by historians¹⁴⁴) was able to stop the career of his victories, and Philip, finding all the weak resources of his kingdom already exhausted, began to dread a reverse of fortune, and to apprehend an invasion on France itself. The king of England,

¹⁴⁴ Heming. vol. i. p. 146.

C H A P. on the other hand, disappointed of assistance from
XIII. Adôlph, king of the Romans, which he had purchased at a very high price, and finding many urgent calls for his presence in England, was desirous of ending on any honorable terms a war, which served only to divert his force from the execution of more important projects. This disposition in both monarchs soon produced a cessation of hostilities for two years; and engaged them to submit their differences to the arbitration of pope Boniface.

1298. **BONIFACE** was among the last of the sovereign pontiffs that exercised an authority over the temporal jurisdiction of princes; and these exorbitant pretensions, which he had been tempted to assume from the successful example of his predecessors, but of which the season was now past; involved him in so many calamities, and were attended with so unfortunate a catastrophe, that they have been secretly abandoned, though never openly relinquished, by his successors in the apostolic chair. Edward and Philip, equally jealous of papal claims, took care to insert in their reference, that Boniface was made judge of the difference by their consent, as a private person, not by any right of his pontificate; and the pope, without seeming to be offended at this mortifying clause, proceeded to give a sentence between them, in which they both acquiesced²⁴⁹. He brought them to agree, that their

²⁴⁹ Rymer, vol. ii. p. 317. Heming. vol. i. p. 149. Trivet, p. 310.

union should be cemented by a double marriage; that of Edward himself, who was now a widower, with Margaret, Philip's sister, and that of the prince of Wales, with Isabella, daughter of that monarch¹¹. Philip was likewise willing to restore Guienne to the English, which he had indeed no good pretence to detain; but he insisted, that the Scots and their king, John Baliol, should, as his allies, be comprehended in the treaty, and should be restored to their liberty. The difference, after several disputes, was compromised, by their making mutual sacrifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip should treat in like manner his ally the king of Scots. The prospect of conquering these two countries, whose situation made them so commodious an acquisition to the respective kingdoms, prevailed over all other considerations; and though they were both finally disappointed in their hopes, their conduct was very reconcileable to the principles of an interested policy. This was the first specimen which the Scots had of the French alliance, and which was exactly conformable to what a smaller power must always expect; when it blindly attaches itself to the will and fortunes of a greater. That unhappy people, now engaged in a brave, though unequal contest for their liberties, were totally abandoned by the ally, in whom they

C H A P.
XIII.
1298

Peace with
France.

¹¹ Rymer, vol. ii. p. 823.

C H A P. reposed their final confidence, to the will of an imperious conqueror.

XIII.

1298.

Revolt of
Scotland.

THOUGH England, as well as other European countries, was, in its ancient state, very ill qualified for making, and still worse for maintaining conquests, Scotland was so much inferior in its internal force, and was so ill situated for receiving foreign succours, that it is no wonder Edward, an ambitious monarch, should have cast his eye on so tempting an acquisition, which brought both security and greatness to his native country. But the instruments, whom he employed to maintain his dominion over the northern kingdom, were not happily chosen; and acted not with the requisite prudence and moderation, in reconciling the Scottish nation to a yoke, which they bore with such extreme reluctance. Warrenne, retiring into England, on account of his bad state of health, left the administration entirely in the hands of Ormesby, who was appointed justiciary of Scotland, and Cressingham, who bore the office of treasurer; and a small military force remained, to secure the precarious authority of those ministers. The latter had no other object than the amassing of money by rapine and injustice: The former distinguished himself by the rigor and severity of his temper: And both of them, treating the Scots as a conquered people, made them sensible, too early, of the grievous servitude into which they had fallen. As Edward required, that all the proprietors of land should swear fealty to him; every one, who refused or

delayed giving this testimony of submission, was outlawed and imprisoned, and punished without mercy; and the bravest and most generous spirits of the nation were thus exasperated to the highest degree against the English government ¹¹¹.

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1298.

THERE was one William Wallace, of a small fortune, but descended of an ancient family, in the west of Scotland, whose courage prompted him to undertake, and enabled him finally to accomplish, the desperate attempt of delivering his native country from the dominion of foreigners. This man, whose valorous exploits are the object of just admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the insolence of an English officer to put him to death; and finding himself obnoxious on that account to the severity of the administration, he fled into the woods, and offered himself as a leader to all those whom their crimes, or bad fortune, or avowed hatred of the English, had reduced to a like necessity. He was endowed with gigantic force of body, with heroic courage of mind, with disinterested magnanimity, with incredible patience, and ability to bear hunger, fatigue, and all the severities of the seasons; and he soon acquired, among those desperate fugitives, that authority, to which his virtues so justly entitled him. Beginning with small attempts, in which he was always successful, he gradually proceeded to more momentous enterprises; and

¹¹¹ Walsing. p. 70. Heming. vol. i. p. 118. Trivet, p. 299.

O H A P. he discovered equal caution in securing his followers, and valor in annoying the enemy. By his knowledge of the country, he was enabled, when pursued, to ensure a retreat among the morasses or forests or mountains; and again, collecting his dispersed associates, he unexpectedly appeared in another quarter, and surprised and routed and put to the sword the unwary English. Every day brought accounts of his great actions, which were received with no less favor by his countrymen than terror by the enemy: All those, who thirsted after military fame, were desirous to partake of his renown: His successful valor seemed to vindicate the nation from the ignominy, into which it had fallen, by its tame submission to the English: And though no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

WALLACE, having, by many fortunate enterprises, brought the valor of his followers to correspond to his own, resolved to strike a decisive blow against the English government; and he concerted the plan of attacking Ormesby at Scone, and of taking vengeance on him, for all the violence and tyranny, of which he had been guilty. The justiciary, apprised of his intentions, fled hastily into England: All the other officers of that nation imitated his example: Their terror added alacrity and courage to the Scots, who betook themselves to arms in every quarter: Many of the principal barons, and among the

rest Sir William Douglas¹¹⁸, openly countenanced Wallace's party : Robert Bruce secretly favored and promoted the same cause : And the Scots, shaking off their fetters, prepared themselves to defend, by an united effort, that liberty which they had so unexpectedly recovered from the hands of their oppressors.

C H A P.
XIII.
1298

BUT Warrenne, collecting an army of 40,000 men in the north of England, determined to re-establish his authority; and he endeavoured, by the celerity of his armament and of his march, to compensate for his past negligence, which had enabled the Scots to throw off the English government. He suddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themselves in a posture of defence. Many of the Scottish nobles, alarmed with their dangerous situation, here submitted to the English, renewed their oaths of fealty, promised to deliver hostages for their good behaviour, and received a pardon for past offences¹¹⁹. Others who had not yet declared themselves, such as the steward of Scotland and the earl of Lenox, joined, though with reluctance, the English army; and waited a favorable opportunity for embracing the cause of their distressed countrymen. But Wallace, whose authority over his retainers was more fully confirmed by the absence

¹¹⁸ Walsing. p. 70. Heming, vol. i. p. 118.

¹¹⁹ Ibid. p. 121, 122.

C H A P. of the great nobles, persevered obstinately in his purpose; and finding himself unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the situation of that mountainous and barren country. When Warrenhe advanced to Stirling, he found Wallace encamped at Cambuskenneth, on the opposite banks of the Forth; and being continually urged by the impatient Cressingham, who was actuated both by personal and national animosities against the Scots ^{1298.} ^{1298.}, he prepared to attack them in that position, which Wallace, no less prudent than courageous, had chosen for his army ^{1298.}. In spite of the remonstrances of Sir Richard Lundy, a Scotchman of birth and family, who sincerely adhered to the English, he ordered his army to pass a bridge which lay over the Forth; but he was soon convinced, by fatal experience, of the error of his conduct. Wallace, allowing such numbers of the English to pass as he thought proper, attacked them before they were fully formed, put them to rout, pushed part of them into the river, destroyed the rest by the edge of the sword, and gained a complete victory over them ^{1298.}. Among the slain was Cressingham himself, whose memory was so extremely odious to the Scots, that they flea'd his dead body, and made saddles and girths of

^{1298.} Heming. vol. i. p. 127.
^{1298.} September 1297.

^{1298.} On the 11th of
^{1298.} Walsing. p. 73. Trivet, p. 307.
 Heming, vol. i. p. 127, 128, 129.

his skin ¹¹⁷. Warrenne, finding the remainder of his army much dismayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The castles of Roxborough and Berwic, ill fortified and feebly defended, fell soon after into the hands of the Scots.

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XIII.
1298.

WALLACE, universally revered as the deliverer of his country, now received, from the hands of his followers, the dignity of regent or guardian under the captive Baliol; and finding that the disorders of war, as well as the unfavorable seasons, had produced a famine in Scotland, he urged his army to march into England, to subsist at the expence of the enemy, and to revenge all past injuries, by retaliating on that hostile nation. The Scots, who deemed every thing possible under such a leader, joyfully attended his call. Wallace, breaking into the northern counties during the winter season, laid every place waste with fire and sword; and after extending on all sides, without opposition, the fury of his ravages, as far as the bishopric of Durham, he returned, loaded with spoils, and crowned with glory, into his own country ¹¹⁸. The disorders, which at that time prevailed in England, from the refractory behaviour of the constable and marshal, made it impossible to collect an army sufficient to resist the enemy, and exposed the nation to this loss and dishonor.

¹¹⁷ Heming. vol. i. p. 130.

¹¹⁸ Ibid. p. 131, 132, 133.

CHAP. BUT Edward, who received in Flanders intelligence of these events, and had already concluded a truce with France, now hastened over to England, in certain hopes, by his activity and valor, not only of wiping off this disgrace, but of recovering the important conquest of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeased the murmurs of his people by concessions and promises: He restored to the citizens of London the election of their own magistrates, of which they had been bereaved in the later part of his father's reign: He ordered strict enquiry to be made concerning the corn and other goods, which had been violently seized before his departure, as if he intended to pay the value to the owners¹¹¹: And making public professions of confirming and observing the charters, he regained the confidence of the discontented nobles. Having by all these popular arts rendered himself entirely master of his people, he collected the whole military force of England, Wales, and Ireland; and marched with an army of near a hundred thousand combatants to the northern frontiers.

NOTHING could have enabled the Scots to resist, but for one season, so mighty a power, except an entire union among themselves; but as they were deprived of their king, whose personal qualities, even when he was present, appeared so contemptible, and had left among his subjects

¹¹¹ Rymer, vol. ii. p. 813.

no principle of attachment to him or his family; factions, jealousies, and animosities unavoidably arose among the great, and distracted all their councils. The elevation of Wallace, though purchased by so great merit, and such eminent services, was the object of envy to the nobility, who repined to see a private gentleman raised above them by his rank, and still more by his glory and reputation. Wallace himself, sensible of their jealousy, and dreading the ruin of his country from those intestine discords, voluntarily resigned his authority, and retained only the command over that body of his followers, who, being accustomed to victory under his standard, refused to follow into the field any other leader. The chief power devolved on the steward of Scotland, and Cummin of Badenoch; men of eminent birth, under whom the great chieftains were more willing to serve in defence of their country. The two Scottish commanders, collecting their several forces from every quarter, fixed their station at Falkirk, and purposed there to abide the assault of the English. Wallace was at the head of a third body, which acted under his command. The Scottish army placed their pikemen along their front: Lined the intervals between the three bodies with archers: And dreading the great superiority of the English in cavalry, endeavoured to secure their front by palisadoes, tied together by ropes ¹⁰⁰. In this disposition, they expected the approach of the enemy.

C H A P.
XIII.
1298:

¹⁰⁰ Heming, vol. i. p. 163. Walsing. p. 75.

C H A P. THE king, when he arrived in sight of the
XIII. Scots, was pleased with the prospect of being
 1298- able, by one decisive stroke, to determine the
 22d July. fortune of the war; and dividing his army also
 Battle of into three bodies, he led them to the attack.
 Falkirk. The English archers, who began about this time
 to surpass those of other nations, first chased the
 Scottish bowmen off the field; then pouring in
 their arrows among the pikemen, who were
 cooped up within their intrenchments, threw
 them into disorder, and rendered the assault of the
 English pikemen and cavalry more easy and
 successful. The whole Scottish army was broken,
 and chased off the field with great slaughter;
 which the historians, attending more to the exag-
 gerated relations of the populace, than to the
 probability of things, make amount to fifty or
 sixty thousand men¹⁴¹. It is only certain, that
 the Scots never suffered a greater loss in any
 action, nor one which seemed to threaten more
 inevitable ruin to their country.

IN this general rout of the army, Wallace's
 military skill and presence of mind enabled him
 to keep his troops entire; and retiring behind
 the Carron, he marched leisurely along the banks
 of that small river, which protected him from the
 enemy. Young Bruce, who had already given
 many proofs of his aspiring genius, but who

¹⁴¹ Walsing. p. 76. T. Wykes, p. 127. Heming. vol. i.
 p. 163, 164, 165. Trivet, p. 313, says only 20,000.
 M. Welt. p. 431, says 40,000.

served

served hitherto in the English army, appeared on the opposite banks; and distinguishing the Scottish chief, as well by his majestic port, as by the intrepid activity of his behaviour, called out to him, and desired a short conference. He here represented to Wallace the fruitless and ruinous enterprise in which he was engaged; and endeavoured to bend his inflexible spirit to submission under superior power and superior fortune: He insisted on the unequal contest between a weak state, deprived of its head and agitated by intestine discord, and a mighty nation, conducted by the ablest and most martial monarch of the age, and possessed of every resource either for protracting the war, or for pushing it with vigor and activity: If the love of his country were his motive for perseverance, his obstinacy tended only to prolong her misery; if he carried his views to private grandeur and ambition, he might reflect, that, even if Edward should withdraw his armies, it appeared from past experience, that so many haughty nobles, proud of the pre-eminence of their families, would never submit to personal merit, whose superiority they were less inclined to regard as an object of admiration, than as a reproach and injury to themselves. To these exhortations Wallace replied, that, if he had hitherto acted alone, as the champion of his country, it was solely because no second or competitor, or what he rather wished, no leader had yet appeared to place himself in that honorable station: That the blame lay entirely on the

CHAP.
XIII.
1298.

C H A P. nobility, and chiefly on Bruce himself, who,
XIII. uniting personal merit to dignity of family, had
1298. deserted the post, which both nature and fortune, by such powerful calls, invited him to assume: That the Scots, possessed of such a head, would, by their unanimity and concord, have surmounted the chief difficulty under which they now labored, and might hope, notwithstanding their present losses, to oppose successfully all the power and abilities of Edward: That Heaven itself could not set a more glorious prize before the eyes either of virtue or ambition, than to join in one object, the acquisition of royalty with the defence of national independence: And that as the interests of his country more than those of a brave man, could never be sincerely cultivated by a sacrifice of liberty, he himself was determined, as far as possible, to prolong, not her misery, but her freedom, and was desirous, that his own life, as well as the existence of the nation, might terminate, when they could no otherwise be preserved than by receiving the chains of a haughty victor. The gallantry of these sentiments, though delivered by an armed enemy, struck the generous mind of Bruce: The flame was conveyed from the breast of one hero to that of another: He repented of his engagements with Edward; and opening his eyes to the honorable path, pointed out to him by Wallace, secretly determined to seize the first opportunity of embracing the cause, however desperate, of his oppressed country ¹⁶¹.

¹⁶¹ This story is told by all the Scotch writers; though it

THE subjection of Scotland, notwithstanding this great victory of Edward, was not yet entirely completed. The English army, after reducing the southern provinces, was obliged to retire for want of provisions; and left the northern counties in the hands of the natives. The Scots, no less enraged at their present defeat, than elated by their past victories, still maintained the contest for liberty; but being fully sensible of the great inferiority of their force, they endeavoured, by applications to foreign courts, to procure to themselves some assistance. The supplications of the Scottish ministers were rejected by Philip; but were more successful with the court of Rome. Boniface, pleased with an occasion of exerting his authority, wrote a letter to Edward, exhorting him to put a stop to his oppressions on Scotland, and displaying all the proofs, such as they had probably been furnished him by the Scots themselves, for the ancient independence of that kingdom¹¹⁹. Among other arguments, hinted at above, he mentioned the treaty conducted and finished by Edward himself, for the marriage of his son with the heiress of Scotland; a treaty which would have been absurd, had he been superior lord of the kingdom, and had possessed by the feudal law the right of disposing of his

C H A P.
XIII.

1300.
Scotland
again sub-
dued.

must be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not at that time in Edward's army.

¹¹⁹ Rymer, vol. ii. p. 844.

H 2

CHAP. ward in marriage. He mentioned several other
XIII. striking facts, which fell within the compass of Edward's own knowledge; particularly, that Alexander, when he did homage to the king, openly and expressly declared in his presence, that he swore fealty not for his crown, but for the lands which he held in England: And the pope's letter might have passed for a reasonable one, had he not subjoined his own claim to be liege lord of Scotland; a claim which had not once been heard of, but which, with a singular confidence, he asserted to be full, entire, and derived from the most remote antiquity. The affirmative style, which had been so successful with him and his predecessors in spiritual contests, was never before abused after a more egregious manner in any civil controversy.

*
 1301. THE reply, which Edward made to Boniface's letter, contains particulars, no less singular and remarkable¹⁴. He there proves the superiority of England by historical facts, deduced from the period of Brutus, the Trojan, who, he said, founded the British monarchy in the age of Eli and Samuel: He supports his position by all the events which passed in the island before the arrival of the Romans: And after laying great stress on the extensive dominions and heroic victories of king Arthur, he vouchsafes at last to descend to the time of Edward the elder, with which, in his speech to the states of Scotland, he had chosen to

¹⁴ Rymcr, vol. ii, p. 863.

begin his claim of superiority. He asserts it to be a fact, *notorious and confirmed by the records of antiquity*, that the English monarchs had often conferred the kingdom of Scotland on their own subjects; had dethroned these vassal kings when unfaithful to them; and had substituted others in their stead. He displays with great pomp the full and complete homage which William had done to Henry II.; without mentioning the formal abolition of that *extorted* deed by king Richard, and the renunciation of all future claims of the same nature. Yet this paper he begins with a solemn appeal to the Almighty, the searcher of hearts, for his own firm persuasion of the justice of his claim; and no less than a hundred and four barons, assembled in parliament at Lincoln, concur, in maintaining before the pope, under their seals, the validity of these pretensions²⁰⁰. At the same time, however, they take care to inform Boniface, that, though they had justified their cause before him, they did not acknowledge him for their judge: The crown of England was free and sovereign: They had sworn to maintain all its royal prerogatives, and would never permit the king himself, were he willing, to relinquish its independence.

THAT neglect, almost total, of truth and justice, which sovereign states discover in their transactions with each other, is an evil universal and

²⁰⁰ Rymer, vol. ii. p. 873. Walsing. p. 85. Heming. vol. i. p. 186. Trivet, p. 330. M. West. p. 443.

C H A P. inveterate; is one great source of the misery to
XIII. which the human race is continually exposed; and
 it may be doubted, whether in many instances it
 be found in the end to contribute to the interests
 of those princes themselves, who thus sacrifice
 their integrity to their politics. As few monarchs
 have lain under stronger temptations to violate
 the principles of equity, than Edward in his trans-
 actions with Scotland; so never were they vio-
 lated with less scruple and reserve: Yet his
 advantages were hitherto precarious and uncer-
 tain; and the Scots, once roused to arms and
 inured to war, began to appear a formidable
 enemy, even to this military and ambitious mo-
 narch. They chose John Cummin for their regent;
 and not content with maintaining their independ-
 ence in the northern parts, they made incursions
 into the southern counties, which, Edward ima-
 gined, he had totally subdued. John de Segrave,
 whom he had left guardian of Scotland, led an
 army to oppose them; and lying at Roslin near
 Edinburgh, sent out his forces in three divisions,
 to provide themselves with forage and subsistence
 from the neighbourhood. One party was sud-
 denly attacked by the regent and Sir Simon Fra-
 ser; and being unprepared, was immediately
 routed and pursued with great slaughter. The
 few that escaped, flying to the second division,
 gave warning of the approach of the enemy: The
 soldiers ran to their arms: And were immediately
 led on to take revenge for the death of their
 countrymen. The Scots, elated with the advan-

Scotland
again re-
volts.

1303.
24th Feb.

tage already obtained, made a vigorous impression upon them: The English, animated with a thirst of vengeance, maintained a stout resistance: The victory was long undecided between them; but at last declared itself entirely in favor of the former, who broke the English, and chased them to the third division, now advancing with a hasty march to support their distressed companions. Many of the Scots had fallen in the two first actions; most of them were wounded; and all of them extremely fatigued by the long continuance of the combat: Yet were they so transported with success and military rage, that, having suddenly recovered their order, and arming the followers of their camp with the spoils of the slaughtered enemy, they drove with fury upon the ranks of the dismayed English. The favorable moment decided the battle; which the Scots, had they met with a steady resistance, were not long able to maintain: The English were chased off the field: Three victories were thus gained in one day¹⁰⁰: And the renown of these great exploits, seconded by the favorable dispositions of the people, soon made the regent master of all the fortresses in the south; and it became necessary for Edward to begin anew the conquest of the kingdom.

THE king prepared himself for this enterprise with his usual vigor and abilities. He assembled both a great fleet and a great army; and entering

¹⁰⁰ Heming. vol. i. p. 197.

C H A P. the frontiers of Scotland, appeared with a force,
XIII. which the enemy could not think of resisting in the open field: The English navy, which sailed along the coast, secured the army from any danger of famine: Edward's vigilance preserved it from surprises: And by this prudent disposition they marched victorious from one extremity of the kingdom to the other, ravaging the open country, reducing all the castles¹⁷⁷, and receiving the submissions of all the nobility, even those of Cummin the regent. The most obstinate resistance was made by the castle of Brechin, defended by Sir Thomas Maule; and the place opened not its gates, till the death of the governor, by discouraging the garrison, obliged them to submit to the fate, which had overwhelmed the rest of the kingdom. Wallace, though he attended the English army in their march, found but few opportunities of signalizing that valor, which had formerly made him so terrible to his enemies

Is again subdued.

1304. EDWARD, having completed his conquest, which employed him during the space of near two years, now undertook the more difficult work of settling the country, of establishing a new form of government, and of making his acquisition durable to the crown of England. He seems to have carried matters to extremity against the natives: He abrogated all the Scottish laws and customs¹⁷⁸: He endeavoured to substitute the

¹⁷⁷ Heming. vol. i. p. 205.

¹⁷⁸ Ryley. p. 506.

English in their place: He entirely razed or destroyed all the monuments of antiquity: Such records or histories as had escaped his former search were now burnt or dispersed: And he hastened, by too precipitate steps, to abolish entirely the Scottish name, and to sink it finally in the English.

C H A P.
XIII.

EDWARD, however, still deemed his favorite conquest exposed to some danger, so long as Wallace was alive: and being prompted both by revenge and policy, he employed every art to discover his retreat, and become master of his person. At last, that hardy warrior, who was determined, amidst the universal slavery of his countrymen, still to maintain his independence, was betrayed into Edward's hands by Sir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whose natural bravery and magnanimity should have induced him to respect like qualities in an enemy, enraged at some acts of violence committed by Wallace during the fury of war, resolved to overawe the Scots by an example of severity: He ordered Wallace to be carried in chains to London; to be tried as a rebel and traitor, though he had never made submissions or sworn fealty to England; and to be executed on Tower-hill. This was the unworthy fate of a hero, who, through a course of many years, had, with signal conduct, intrepidity, and perseverance, defended, against a public and oppressive enemy, the liberties of his native country.

1209.

23d August.

C H A P. XIII. BUT the barbarous policy of Edward failed of the purpose to which it was directed. The Scots, already disgusted at the great innovations introduced by the sword of a conqueror into their laws and government, were farther enraged at the injustice and cruelty exercised upon Wallace; and all the envy, which, during his life-time, had attended that gallant chief, being now buried in his grave, he was universally regarded as the champion of Scotland, and the patron of her expiring independence. The people, inflamed with resentment, were every where disposed to rise against the English government; and it was not long ere a new and more fortunate leader presented himself, who conducted them to liberty, to victory, and to vengeance.

1306.
Robert
Bruce.

ROBERT BRUCE, grandson of that Robert, who had been one of the competitors for the crown, had succeeded, by his grandfather's and father's death, to all their rights; and the demise of John Baliol, together with the captivity of Edward, eldest son of that prince, seemed to open a full career to the genius and ambition of this young nobleman. He saw, that the Scots, when the title to their crown had expired in the males of their ancient royal family, had been divided into parties nearly equal between the houses of Bruce and Baliol; and that every incident, which had since happened, had tended to wean them from any attachment to the latter. The slender capacity of John had proved unable to defend them against their enemies: He had meanly

resigned his crown into the hands of the conqueror: He had, before his deliverance from captivity, re-iterated that resignation in a manner seemingly voluntary; and had in that deed thrown out many reflections extremely dishonorable to his ancient subjects, whom he publicly called traitors, ruffians, and rebels, and with whom, he declared, he was determined to maintain no farther correspondence¹⁶⁹: He had, during the time of his exile, adhered strictly to that resolution; and his son, being a prisoner, seemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce therefore hoped, that the Scots, so long exposed, from the want of a leader, to the oppressions of their enemies, would unanimously fly to his standard, and would seat him on the vacant throne, to which he brought such plausible pretensions. His aspiring spirit, inflamed by the fervor of youth, and buoyed up by his natural courage, saw the glory alone of the enterprize, or regarded the prodigious difficulties, which attended it, as the source only of farther glory. The miseries and oppressions, which he had beheld his countrymen suffer in their unequal contest; the repeated defeats and misfortunes, which they had undergone; proved to him so many incentives to bring them relief, and conduct them to vengeance against the haughty victor. The circumstances, which attended Bruce's first declaration, are variously related; but we shall

C H A P.

XIII.

1205.

¹⁶⁹ Brady's hist. vol. ii. App. N°. 27.

C H A P. rather follow the account given by the Scottish
 XIII. historians; not that their authority is in general
 1206. any-wise comparable to that of the English; but
 because they may be supposed sometimes better
 informed concerning facts, which so nearly in-
 terested their own nation.

BRUCE, who had long harboured in his breast the design of freeing his enslaved country, ventured at last to open his mind to John Cummin, a powerful nobleman, with whom he lived in strict intimacy. He found his friend, as he imagined, fully possessed with the same sentiments; and he needed to employ no arts of persuasion to make him embrace the resolution of throwing off, on the first favorable opportunity, the usurped dominion of the English. But on the departure of Bruce, who attended Edward to London, Cummin, who either had all along dissembled with him, or began to reflect more coolly in his absence on the desperate nature of the undertaking, resolved to atone for his crime in assenting to this rebellion, by the merit of revealing the secret to the king of England. Edward did not immediately commit Bruce to custody; because he intended, at the same time, to seize his three brothers, who resided in Scotland; and he contented himself with secretly setting spies upon him, and ordering all his motions to be strictly watched. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidst so many jealous eyes, to hold any conversation with him, he fell on an expe-

dient to give him warning, that it was full time he should make his escape. He sent him, by a servant, a pair of gilt spurs and a purse of gold, which he pretended to have borrowed from him; and left it to the sagacity of his friend to discover the meaning of the present. Bruce immediately contrived the means of his escape; and as the ground was at that time covered with snow, he had the precaution, it is said, to order his horses to be shod with their shoes inverted, that he might deceive those, who should track his path over the open fields or cross roads, through which he purposed to travel. He arrived in a few days at Dumfries in Annandale, the chief seat of his family interest; and he happily found a great number of the Scottish nobility there assembled, and among the rest, John Cummin, his former associate.

C H A P.

XIII.

1306.

THE noblemen were astonished at the appearance of Bruce among them; and still more when he discovered to them the object of his journey. He told them, that he was come to live or die with them in defence of the liberties of his country, and hoped, with their assistance, to redeem the Scottish name from all the indignities, which it had so long suffered from the tyranny of their imperious masters: That the sacrifice of the rights of his family was the first injury, which had prepared the way for their ensuing slavery; and by resuming them, which was his firm purpose, he opened to them the joyful prospect of recovering from the fraudulent usurper their ancient and be-

10th Feb.

C H A P. reditary independence: That all past misfortunes
 XIII. had proceeded from their disunion; and they
 1306. would soon appear no less formidable than of old
 to their enemies, if they now deigned to follow
 into the field their rightful prince, who knew no
 medium between death and victory: That their
 mountains and their valor, which had, during
 so many ages, protected their liberty from all the
 efforts of the Roman empire, would still be suf-
 ficient, were they worthy of their generous an-
 cestors, to defend them against the utmost violence
 of the English tyrant: That it was unbecoming
 men, born to the most ancient independence known
 in Europe, to submit to the will of any masters;
 but fatal to receive those, who, being irritated
 by such persevering resistance, and inflamed with
 the highest animosity, would never deem them-
 selves secure in their usurped dominion but by
 exterminating all the ancient nobility, and even
 all the ancient inhabitants: And that, being re-
 duced to this desperate extremity, it were better
 for them at once to perish, like brave men, with
 swords in their hands, than to dread long, and
 at last undergo, the fate of the unfortunate Wal-
 lace, whose merits, in the brave and obstinate
 defence of his country, were finally rewarded by
 the hands of an English executioner.

THE spirit with which this discourse was deli-
 vered, the bold sentiments which it conveyed,
 the novelty of Bruce's declaration, assisted by the
 graces of his youth and manly deportment, made
 deep impression on the minds of his audience,

and roused all those principles of indignation and revenge, with which they had long been secretly actuated. The Scottish nobles declared their unanimous resolution to use the utmost efforts in delivering their country from bondage, and to second the courage of Bruce, in asserting his and their undoubted rights, against their common oppressors. Cummin alone, who had secretly taken his measures with the king, opposed this general determination; and by representing the great power of England, governed by a prince of such uncommon vigor and abilities, he endeavoured to set before them the certain destruction, which they must expect, if they again violated their oaths of fealty, and shook off their allegiance to the victorious Edward ¹⁷. Bruce, already apprized of his treachery, and foreseeing the certain failure of all his own schemes of ambition and glory from the opposition of so potent a leader, took immediately his resolution; and moved partly by resentment, partly by policy, followed Cummin on the dissolution of the assembly, attacked him in the cloysters of the Grey Friars through which he passed, and running him through the body, left him for dead. Sir Thomas Kirkpatrick, one of Bruce's friends, asking him soon after, if the traitor were slain; *I believe so*, replied Bruce. *And is that a matter*, cried Kirkpatrick, *to be left to conjecture? I will secure him*. Upon which he drew his dagger, ran to Cummin, and stabbed him to

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¹⁷ M. West. p. 453.

C H A P. the heart. This deed of Bruce and his associates, which contains circumstances justly condemned by our present manners, was regarded in that age, as an effort of manly vigor and just policy. The family of Kirkpatrick took for the crest of their arms, which they still wear, a hand with a bloody dagger; and chose for their motto these words, *I will secure him*; the expression employed by their ancestor, when he executed that violent action.

**Third revolt
of Scotland.**

THE murder of Cummin affixed the seal to the conspiracy of the Scottish nobles: They had now no resource left but to shake off the yoke of England, or to perish in the attempt: The genius of the nation roused itself from its present dejection: And Bruce, flying to different quarters, excited his partisans to arms, attacked with success the dispersed bodies of the English, got possession of many of the castles, and having made his authority be acknowledged in most parts of the kingdom, was solemnly crowned and inaugurated in the abbey of Scone by the bishop of St. Andrews, who had zealously embraced his cause. The English were again chased out of the kingdom, except such as took shelter in the fortresses that still remained in their hands; and Edward found, that the Scots, twice conquered in his reign, and often defeated, must yet be anew subdued. Not discouraged with these unexpected difficulties, he sent Aymer de Valence with a considerable force into Scotland to check the progress of the malecontents; and that nobleman falling unexpectedly upon

upon Bruce at Methven in Perthshire, threw his army into such disorder, as ended in a total defeat¹⁷¹. Bruce fought with the most heroic courage, was thrice dismounted in the action, and as often recovered himself; but was at last obliged to yield to superior fortune, and take shelter, with a few followers, in the western isles. The earl of Athole, Sir Simon Fraser, and Sir Christopher Seton, who had been taken prisoners, were ordered by Edward to be executed as rebels and traitors¹⁷². Many other acts of rigor were exercised by him; and that prince, vowing revenge against the whole Scottish nation, whom he deemed incorrigible in their aversion to his government, assembled a great army, and was preparing to enter the frontiers, secure of success, and determined to make the defenceless Scots the victims of his severity; when he unexpectedly sickened and died near Carlisle; enjoining with his last breath his son and successor to prosecute the enterprise, and never to desist till he had finally subdued the kingdom of Scotland. He expired in the sixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely respected and revered by his own subjects.

CHAP.
XIII.

1307.

7th July,
Death.

THE enterprises, finished by this prince, and the projects, which he formed and brought near to a conclusion, were more prudent, more regu-

and character
ter of the
king.

¹⁷¹ Walling. p. 91. Trivet. p. 344. Heming. vol. i. p. 222, 233. ¹⁷² Ibid. M. West, p. 456.

C H A P. larly conducted, and more advantageous to the
XIII. solid interests of his kingdom, than those which
1307. were undertaken in any reign either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father; he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took many wise and vigorous measures for reducing Scotland to a like condition; and though the equity of this latter enterprise may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantage was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike king: He possessed industry, penetration, courage, vigilance, and enterprise: He was frugal in all expences that were not necessary, he knew how to open the public treasures on a proper occasion; he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert in all military exercises, and in the main well-proportioned in his limbs, notwithstanding the great length and the smallness of his legs, he was as well qualified to captivate the populace by his

exterior appearance, as to gain the approbation of men of sense by his more solid virtues.

BUT the chief advantage, which the people of England reaped, and still continue to reap, from the reign of this great prince, was the correction, extension, amendment, and establishment of the laws, which Edward maintained in great vigor, and left much improved to posterity: For the acts of a wise legislator commonly remain; while the acquisitions of a conqueror often perish with him. This merit has justly gained to Edward the appellation of the English Justinian. Not only the numerous statutes, passed in his reign, touch the chief points of jurisprudence, and, according to Sir Edward Coke ¹⁷³, truly deserve the name of establishments, because they were more constant, standing, and durable laws than any made since; but the regular order, maintained in his administration, gave an opportunity to the common law to refine itself, and brought the judges to a certainty in their determinations, and the lawyers to a precision in their pleadings. Sir Matthew Hale has remarked the sudden improvement of English law during this reign; and ventures to assert, that, till his own time, it had never received any considerable increase ¹⁷⁴. Edward settled the jurisdiction of the several courts; first established the office of justice of peace; abstained from the practice, too common before him, of

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1307.
Miscellaneous transactions of this reign.

¹⁷³ Institutes, p. 156.
law. p. 158. 163.

¹⁷⁴ History of the English

C H A P. interrupting justice by mandates from the privy-council ¹⁷⁵; repressed robberies and disorders ¹⁷⁶; encouraged trade by giving merchants an easy method of recovering their debts ¹⁷⁷; and, in short, introduced a new face of things by the vigor and wisdom of his administration. As law began now to be well established, the abuse of that blessing began also to be remarked. Instead of their former associations for robbery and violence, men entered into formal combinations to support each other in law-suits; and it was found requisite to check this iniquity by act of parliament ¹⁷⁸.

THERE happened in this reign a considerable alteration in the execution of the laws: The king abolished the office of chief justiciary, which, he thought, possessed too much power, and was dangerous to the crown ¹⁷⁹; He completed the division of the court of exchequer into four distinct courts, which managed, each, its several branch, without dependence on any one magistrate; and as the lawyers afterwards invented a method, by

¹⁷⁵ Articuli super Cart. cap. 6. Edward enacted a law to this purpose; but it is doubtful, whether he ever observed it. We are sure that scarcely any of his successors did. The multitude of these letters of protection were the ground of a complaint by the commons in 3 Edward II. See Kyley, p. 525. This practice is declared illegal by the statute of Northampton passed in the second of Edward III. but it still continued, like many other abuses. There are instances of it so late as the reign of queen Elizabeth.

¹⁷⁶ Statute of Winton.

¹⁷⁷ Statute of Acton Burnel.

¹⁷⁸ Statute of conspirators.

¹⁷⁹ Spelman. Gloss. in verbo *justiciarius*. Gilbert's Hist. of the Exchequer, p. 8.

means of their fictions, of carrying business from one court to another, the several courts became rivals and checks to each other; a circumstance which tended much to improve the practice of the law in England.

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1307.

BUT though Edward appeared thus, throughout his whole reign, a friend to law and justice, it cannot be said, that he was an enemy to arbitrary power; and in a government more regular and legal than was that of England in his age, such practices, as those which may be remarked in his administration, would have given sufficient ground of complaint, and sometimes were even in his age the object of general displeasure. The violent plunder and banishment of the Jews; the putting of the whole clergy, at once, and by an arbitrary edict, out of the protection of law; the seizing of all the wool and leather of the kingdom; the heightening of the impositions on the former valuable commodity; the new and illegal commission of Trailbaston; the taking of all the money and plate of monasteries and churches, even before he had any quarrel with the clergy; the subjecting of every man possessed of twenty pounds a year to military service, though not bound to it by his tenure; his visible reluctance to confirm the great charter, as if that concession had no validity from the deeds of his predecessors; the captious clause which he at last annexed to his confirmation; his procuring of the pope's dispensation from the oaths which he had taken to observe that charter; and his levying of talliages

C H A P. at discretion even after the statute, or rather
 XIII. charter, by which he had renounced that prero-
 1307. gative; these are so many demonstrations of his
 arbitrary disposition, and prove with what excep-
 tion and reserve we ought to celebrate his love
 of justice. He took care that his subjects should
 do justice to each other; but he desired always
 to have his own hands free in all his transactions,
 both with them and with his neighbours.

THE chief obstacle to the execution of justice
 in those times was the power of the great barons;
 and Edward was perfectly qualified, by his
 character and abilities, for keeping these tyrants
 in awe; and restraining their illegal practices.
 This salutary purpose was accordingly the great
 object of his attention; yet he was imprudently
 led into a measure which tended to increase and
 confirm their dangerous authority. He passed a
 statute, which, by allowing them to entail their
 estates, made it impracticable to diminish the
 property of the great families, and left them
 every means of increase and acquisition¹²².

EDWARD observed a contrary policy with
 regard to the church: He seems to have been
 the first Christian prince that passed a statute of
 mortmain; and prevented by law the clergy from
 making new acquisitions of lands, which by the
 ecclesiastical canons they were for ever prohibited
 from alienating. The opposition between his
 maxims with regard to the nobility and to the

¹²² Brady of Boreoughs, p. 24. from the records.

ecclesiastics, leads us to conjecture, that it was only by chance he passed the beneficial statute of mortmain, and that his sole object was, to maintain the number of knights' fees, and to prevent the superiors from being defrauded of the profits of wardship, marriage, livery, and other emoluments arising from the feudal tenures. This is indeed the reason assigned in the statute itself, and appears to have been his real object in enacting it. The author of the annals of Waverly ascribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom; but adds that he was mistaken in his purpose; for that the Amalekites were overcome more by the prayers of Moses than by the sword of the Israelites¹³¹. The statute of mortmain was often evaded afterwards by the invention of *Uses*.

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1307.

EDWARD was active in restraining the usurpations of the church; and excepting his ardor for Crusades, which adhered to him during his whole life, seems, in other respects, to have been little infected with superstition, the vice chiefly of weak minds. But the passion for Crusades was really in that age the passion for glory. As the pope now felt himself somewhat more restrained in his former practice of pillaging the several churches in Europe, by laying impositions upon them, he permitted the generals of particular orders, who resided at Rome, to levy taxes on

¹³¹ P. 234. See also M. West, p. 409.

C H A P. the convents subjected to their jurisdiction; and
 XIII Edward was obliged to enact a law against this
 1307. new abuse. It was also become a practice of the
 court of Rome to provide successors to benefices
 before they became vacant: Edward found it
 likewise necessary to prevent by law this species
 of injustice.

THE tribute of 1000 marks a year, to which king John, in doing homage to the pope, had subjected the kingdom, had been pretty regularly paid since his time, though the vassalage was constantly denied, and indeed, for fear of giving offence, had been but little insisted on. The payment was called by a new name of *census*, not by that of tribute. King Edward seems to have always paid this money with great reluctance, and he suffered the arrears, at one time, to run on for six years^{***}, at another for eleven^{***}: But as princes in that age stood continually in need of the pope's good offices, for dispensations of marriage and for other concessions, the court of Rome always found means, sooner or later, to catch the money. The levying of first-fruits was also a new device, begun in this reign, by which his holiness thrust his fingers very frequently into the purses of the faithful; and the king seems to have unwarily given way to it.

IN the former reign, the taxes had been partly
 * *scutages*, partly such a proportional part of the
 moveables, as was granted by parliament: In

^{***} Rymer, vol. ii. p. 77. 107.

^{***} Ibid. p. 862.

* *his's escape*

this, scutages were entirely dropped; and the assessment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh year a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year a fifteenth; in his twenty-second year a tenth from the laity, a sixth from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year an eleventh from the barons and others, a tenth from the clergy, a seventh from the burgesses; in his twenty-fourth year a twelfth from the barons and others, an eighth from the burgesses, from the clergy, nothing, because of the pope's inhibition; in his twenty-fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from those of York; in his twenty-ninth year a fifteenth from the laity, on account of his confirming the perambulations of the forests; the clergy granted nothing; in his thirty-third year, first a thirtieth from the barons and others, and a twentieth from the burgesses, then a fifteenth from all his subjects; in his thirty-fourth year a thirtieth from all his subjects for knighting his eldest son.

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THESE taxes were moderate; but the king had also duties upon exportation and importation granted him from time to time: The heaviest were commonly upon wool Poundage, or a shilling a pound, was not regularly granted the kings for life till the reign of Henry V.

IN 1296, the famous mercantile society, called

O H A P. the *MERCHANT ADVENTURERS*, had its first origin: It
 XIII. was instituted for the improvement of the woollen
 1307. manufacture, and the vending of the cloth abroad; particularly at Antwerp^{***}. For the English at this time scarcely thought of any more distant commerce.

THIS king granted a charter or declaration of protection and privileges to foreign merchants, and also ascertained the customs or duties which those merchants were in return to pay on merchandize imported and exported. He promised them security; allowed them a jury on trials, consisting half of natives, half of foreigners; and appointed them a justiciary in London for their protection. But notwithstanding this seeming attention to foreign merchants, Edward did not free them from the cruel hardship, of making one answerable for the debts, and even for the crimes of another, that came from the same country^{***}. We read of such practices among the present barbarous nations. The king also imposed on them a duty of two shillings on each tun of wine imported, over and above the old duty; and forty pence on each sack of wool exported, besides half a mark, the former duty^{***}.

IN the year 1303, the Exchequer was robbed, and of no less a sum than 100,000 pounds, as is

^{***} Anderson's history of commerce, vol. i. p. 137.

^{***} Ibid. p. 146. ^{***} Rymer, vol. iv. p. 361. It is the charter of Edw. I. which is there confirmed by Edw. III.

pretended¹⁰⁷. The abbot and monks of Westminster were indicted for this robbery, but acquitted. It does not appear, that the king ever discovered the criminals with certainty; though his indignation fell on the society of Lombard merchants, particularly the Frescobaldi, very opulent Florentines.

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THE pope having in 1307 collected much money in England, the king enjoined the nuncio not to export it in specie but in bills of exchange¹⁰⁸. A proof that commerce was but ill understood at that time.

EDWARD had by his first wife, Eleanor of Castile, four sons; but Edward, his heir and successor, was the only one that survived him. She also bore him eleven daughters, most of whom died in their infancy: Of the surviving, Joan was married first to the earl of Gloucester, and after his death, to Ralph de Monthermer: Margaret espoused John duke of Brabant: Elizabeth espoused first John earl of Holland; and afterwards the earl of Hereford; Mary was a nun at Ambresbury. He had by his second wife, Margaret of France, two sons and a daughter; Thomas created earl of Norfolk, and Mareschal of England; and Edmond who was created earl of Kent by his brother when king. The princess died in her infancy.

¹⁰⁷ Rymer, vol. ii. p. 930.

¹⁰⁸ Ibid. p. 1092.

C H A P. XIV.

E D W A R D II.

Weakness of the king — His passion for favorites — Piers Gavaston — Discontent of the barons — Murder of Gavaston — War with Scotland — Battle of Bannockburn — Hugh le Despenser — Civil commotions — Execution of the earl of Lancaster — Conspiracy against the king — Insurrection — The king dethroned — Murdered — His Character — Miscellaneous transactions in this reign.

C H A P. **T**HE prepossessions, entertained in favor of
 XIV. young Edward, kept the English from being
 1327. fully sensible of the extreme loss, which they had
 sustained by the death of the great monarch, who
 filled the throne, and all men hastened with
 alacrity to take the oath of allegiance to his son
 and successor. This prince was in the twenty-
 third year of his age, was of an agreeable figure,
 of a mild and gentle disposition, and having
 never discovered a propensity to any dangerous
 vice, it was natural to prognosticate tranquillity
 and happiness from his government. But the
 first act of his reign blasted all these hopes, and
 showed him to be totally unqualified for that
 perilous situation, in which every English mon-

Weakness
 of the king.

arch, during those ages, had, from the unstable form of the constitution, and the turbulent dispositions of the people, derived from it, the misfortune to be placed. The indefatigable Robert Bruce, though his army had been dispersed and he himself had been obliged to take shelter in the western isles, remained not long unactive; but before the death of the late king, had sallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by surprise an important advantage over Aymer de Valence, who commanded the English forces¹. He was now become so considerable as to have afforded the king of England sufficient glory in subduing him, without incurring any danger of seeing all those mighty preparations, made by his father, fail in the enterprise. But Edward, instead of pursuing his advantages, marched but a little way into Scotland; and having an utter incapacity, and equal aversion, for all application or serious business, he immediately returned upon his footsteps, and disbanded his army. His grandees perceived from this conduct, that the authority of the crown, fallen into such feeble hands, was no longer to be dreaded, and that every insolence might be practised by them with impunity.

THE next measure, taken by Edward, gave them an inclination to attack those prerogatives, which no longer kept them in awe. There was

H A P.
XIV.
1397.

¹ Trivet, p. 346.

6 H A P. one Piers Gavaston, son of a Gascon knight of
 XIV. some distinction, who had honorably served the
 1307. late king, and who, in reward of his merits, had
 Piers Gavaston. obtained an establishment for his son in the family
 of the prince of Wales. This young man soon
 insinuated himself into the affections of his master,
 by his agreeable behaviour, and by supplying
 him with all those innocent, though frivolous
 amusements, which suited his capacity and his
 inclinations. He was endowed with the utmost
 elegance of shape and person, was noted for a
 fine mien and easy carriage, distinguished himself
 in all warlike and genteel exercises, and was
 celebrated for those quick sallies of wit, in which
 his countrymen usually excel. By all these accom-
 plishments he gained so entire an ascendant over
 young Edward, whose heart was strongly disposed
 to friendship and confidence, that the late king,
 apprehensive of the consequences, had banished
 him the kingdom, and had, before he died,
 made his son promise never to recal him. But
 no sooner did he find himself master, as he vainly
 imagined, than he sent for Gavaston; and even
 before his arrival at court, endowed him with
 the whole earldom of Cornwall, which had
 escheated to the crown, by the death of Edmond,
 son of Richard king of the Romans^a. Not
 content with conferring on him those possessions,
 which had sufficed as an appanage for a prince

^a Rymer, vol. iii. p. 1. Heming, vol. i. p. 243. Walsing.
 p. 96.

of the blood, he daily loaded him with new honors and riches; married him to his own niece, sister of the earl of Gloucester; and seemed to enjoy no pleasure in his royal dignity, but as it enabled him to exalt to the highest splendor this object of his fond affections.

THE haughty barons, offended at the superiority of a minion, whose birth, though reputable, they despised, as much inferior to their own, concealed not their discontent; and soon found reasons to justify their animosity in the character and conduct of the man they hated. Instead of disarming envy by the moderation and modesty of his behaviour, Gavaston displayed his power and influence with the utmost ostentation; and deemed no circumstance of his good fortune so agreeable as its enabling him to eclipse and mortify all his rivals. He was vain-glorious, profuse, rapacious, fond of exterior pomp and appearance, giddy with prosperity; and as he imagined, that his fortune was now as strongly rooted in the kingdom, as his ascendant was uncontrouled over the weak monarch, he was negligent in engaging partisans, who might support his sudden and ill-established grandeur. At all tournaments, he took delight in foiling the English nobility, by his superior address: In every conversation, he made them the object of his wit and raillery: Every day his enemies multiplied upon him; and naught was wanting

C H A P.
XIV.
1307.

Discontent
of the ba-
rons.

C H A P. but a little time to cement their union, and render
 XIV. it fatal, both to him and to his master '.

It behoved the king to take a journey to France, both in order to do homage for the dutchy of Guienne, and to espouse the princess Isabella, to whom he had long been affianced, though unexpected accidents had hitherto retarded the completion of the marriage '. Edward left Gavaston guardian of the realm ', with more ample powers, than had usually been conferred '; and on his return with his young queen, renewed all the proofs of that fond attachment to the favorite, of which every one so loudly complained. This princess was of an imperious and intriguing spirit; and finding, that her husband's capacity required, as his temper inclined, him to be governed, she thought herself best entitled, on every account, to perform the office, and she contracted a mortal hatred against the person, who had disappointed her in these expectations. She was well pleased, therefore, to see a combination of the nobility forming against Gavaston, who, sensible of her hatred, had wantonly provoked her by new insults and injuries.

THOMAS, earl of Lancaster, cousin-german to
 the king, and first prince of the blood, was by

' T. de la More, p. 591. Walsing. p. 97.

' T. de la More, p. 593. Trivet, cont. p. 3.

' Rymer, vol. iii. p. 47. Ypod. Neult. p. 499.

' Brady's App. N°. 49.

far

far the most opulent and powerful subject in England, and possessed in his own right, and soon after in that of his wife, heiress of the family of Lincoln, no less than six earldoms, with a proportionable estate in land, attended with all the jurisdictions and power, which commonly in that age were annexed to landed property. He was turbulent and factious in his disposition; mortally hated the favorite, whose influence over the king exceeded his own; and he soon became the head of that party among the barons, who desired the depression of this insolent stranger. The confederated nobles bound themselves by oath to expel Gavaston: Both sides began already to put themselves in a warlike posture: The licentiousness of the age broke out in robberies and other disorders, the usual prelude of civil war: And the royal authority, despised in the king's own hands, and hated in those of Gavaston, became insufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being summoned at Westminster, Lancaster and his party came thither with an armed retinue; and were there enabled to impose their own terms on the sovereign. They required the banishment of Gavaston, imposed an oath on him never to return, and engaged the bishops, who never failed to interpose in all civil concerns, to pronounce him excommunicated, if he remained any longer in the kingdom.

C H A P.
XIV.
1308.

Trivet, cont. p. 5.
VOL. III.

CHAP. XIV. Edward was obliged to submit^a; but even in his compliance, gave proofs of his fond attachment to his favorite. Instead of removing all umbrage, by sending him to his own country, as was expected, he appointed him lord lieutenant of Ireland^b, attended him to Bristol on his journey thither, and before his departure conferred on him new lands and riches both in Gascony and England^c. Gavaston, who did not want bravery, and possessed talents for war^d, acted, during his government, with vigor against some Irish rebels, whom he subdued.

MEANWHILE, the king, less shocked with the illegal violence which had been imposed upon him, than unhappy in the absence of his minion, employed every expedient to soften the opposition of the barons to his return; as if success in that point were the chief object of his government. The high office of hereditary steward was conferred on Lancaster: His father-in-law, the earl of Lincoln, was bought off by other concessions: Earl Warrenne was also mollified by civilities, grants, or promises.^e The insolence of Gavaston, being no longer before men's eyes, was less the object of general indignation: And Edward, deeming matters sufficiently prepared for his purpose, applied to the court of Rome, and obtained for Gavaston a dispensation from that

^a Rymer, vol. iii. p. 80. ^b Ibid. p. 92. Murimuth, p. 39. ^c Rymer, vol. iii. p. 87.
^d Heming, vol. i. p. 248. T. de la More, p. 593.

oath, which the barons had compelled him to take, that he would for ever abjure the realm¹². He went down to Chester, to receive him on his first landing from Ireland; flew into his arms with transports of joy; and having obtained the formal consent of the barons in parliament to his re-establishment, set no longer any bounds to his extravagant fondness and affection. Gavaston himself, forgetting his past misfortunes, and blind to their causes, resumed the same ostentation and insolence; and became more than ever the object of general detestation among the nobility.

O H A P.
XIV.
1308.

THE barons first discovered their animosity by absenting themselves from parliament, and finding that this expedient had not been successful, they began to think of employing sharper and more effectual remedies. Though there had scarcely been any national ground of complaint, except some dissipation of the public treasure: Though all the acts of mal-administration, objected to the king and his favorite, seemed of a nature more proper to excite heart-burnings in a hall or assembly, than commotions in a great kingdom: Yet such was the situation of the times, that the barons were determined, and were able, to make them the reasons of a total alteration in the constitution and civil government. Having come to parliament in defiance of the laws and the king's prohibition, with a numerous retinue of armed followers, they found themselves

7th Feb.

¹² Rymer, vol. iii. p. 167.

C H A P. entirely masters: and they presented a petition ;
XIV. which was equivalent to a command, requiring Edward to devolve on a chosen junto the whole authority both of the crown and of the parliament. The king was obliged to sign a commission, empowering the prelates and barons to elect twelve persons, who should, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and regulation of the king's household; consenting that these ordinances should, thenceforth, and for ever, have the force of laws; allowing the ordainers to form associations among themselves and their friends, for their strict and regular observance; and all this for the greater glory of God, the security of the church, and the honor and advantage of the king and kingdom¹¹. The barons in return signed a declaration, in which they acknowledged, that they owed these concessions merely to the king's free grace; promised that this commission should never be drawn into precedent; and engaged, that the power of the ordainers should expire at the time appointed¹².

1311. **THE** chosen junto accordingly framed their ordinances, and presented them to the king and parliament, for their confirmation in the ensuing year. Some of these ordinances were laudable, and tended to the regular execution of justice:

¹¹ Heming. vol. i. p. 247. Walsing. p. 97. Ryley, p. 526. Brady's App. N°. 50.

¹² Ibid. N°. 51.

Such as those, requiring sheriffs to be men of property, abolishing the practice of issuing privy seals for the suspension of justice, restraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the case of vexatious prosecutions. But what chiefly grieved the king, was the ordinance for the removal of evil counsellors, by which a great number of persons were by name excluded from every office of power and profit; and Piers Gavaston himself was for ever banished the king's dominions, under the penalty, in case of disobedience, of being declared a public enemy. Other persons, more agreeable to the barons, were substituted in all the offices. And it was ordained, that, for the future, all the considerable dignities in the household, as well as in the law, revenue, and military governments, should be appointed by the *baronage* in parliament; and the power of making war, or assembling his military tenants, should no longer be vested solely in the king, nor be exercised without the consent of the nobility.

EDWARD, from the same weakness both in his temper and situation, which had engaged him to grant this unlimited commission to the barons, was led to give a parliamentary sanction to their ordinances: But as a consequence of the same character, he *secretly* made a protest against them,

K 3

C H A P.
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C H A P. and declared, that, since the commission was
XIV. granted only for the making of ordinances to the advantage of king and kingdom, such articles as should be found prejudicial to both, were to be held as not ratified and confirmed¹⁵. It is no wonder, indeed, that he retained a firm purpose to revoke ordinances, which had been imposed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and society of a person, whom, by an unusual infatuation, he valued above all the world, and above every consideration of interest or tranquillity.

1312. As soon, therefore, as Edward, removing to York, had freed himself from the immediate terror of the barons; power, he invited back Gavaston from Flanders, which that favorite had made the place of his retreat; and declaring his banishment to be illegal, and contrary to the laws and customs of the kingdom¹⁶, openly re-instated him in his former credit and authority. The barons, highly provoked at this disappointment, and apprehensive of danger to themselves from the declared animosity of so powerful a minion, saw, that either his or their ruin was now inevitable; and they renewed with redoubled zeal their former confederacies against him. The earl of Lancaster was a dangerous head of this alliance: Guy, earl of Warwic, entered into it with a fu-

¹⁵ Ryley's Placit. Parl. p. 530. 541.

¹⁶ Brady's App. N°. 53. Walsing. p. 98.

rious and precipitate passion; Humphrey Bohun, earl of Hereford, the constable, and Aymer de Valence, earl of Pembroke, brought to it a great accession of power and interest: Even earl Warrenne deserted the royal cause, which he had hitherto supported, and was induced to embrace the side of the confederates¹¹: And as Robert de Winchelsey, archbishop of Canterbury, professed himself of the same party, he determined the body of the clergy, and consequently the people, to declare against the king and his minion. So predominant, at that time, was the power of the great nobility, that the combination of a few of them was always able to shake the throne; and such an universal concurrence became irresistible. The earl of Lancaster suddenly raised an army, and marched to York, where he found the king already removed to Newcastle¹²: He flew thither in pursuit of him; and Edward had just time to escape to Tinmouth, where he embarked, and sailed with Gavaston to Scarborough. He left his favorite in that fortress, which, had it been properly supplied with provisions, was deemed impregnable; and he marched forward to York, in hopes of raising an army, which might be able to support him against his enemies. Pembroke was sent by the confederates to besiege the castle of Scarborough; and Gavaston, sensible of the bad condition of his garrison, was obliged to

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¹¹ Trivet, cont. p. 4.

¹² Walsing. p. 101.

C H A P. capitulate, and to surrender himself prisoner ¹⁸.

XIV. He stipulated, that he should remain in Pem-

13:2. broke's hands for two months; that endeavours

29th May.

should, during that time, be mutually used for a general accommodation; that if the terms proposed by the barons were not accepted, the castle should be restored to him in the same condition as when he surrendered it; and that the earl of Pembroke, and Henry Percy should, by contract, pledge all their lands for the fulfilling of these conditions ¹⁹. Pembroke, now master of the person of this public enemy, conducted him to the castle of Dedington, near Banbury; where, on pretence of other business, he left him, protected by a feeble guard ²⁰. Warwic, probably in concert with Pembroke, attacked the castle: The garrison refused to make any resistance: Gavaston was yielded up to him, and conducted to Warwic castle: The earls of Lancaster, Hereford, and Arundel, immediately repaired thither ²¹: And without any regard, either to the laws or the military capitulation, they ordered the head of the obnoxious favorite to be struck off, by the hands of the executioner ²².

Murder of
Gavaston.
1st July.

THE king had retired northward to Berwic, when he heard of Gavaston's murder; and his resentment was proportioned to the affection which

¹⁸ Walsing. p. 101.

¹⁹ Rymer, vol. ii. p. 324.

²⁰ T. de la More, p. 593.

²¹ Dugd. Baron. vol. ii.

p. 44. ²² Walsing. p. 101. T. de la More, p. 593.
Trivet, cont. p. 9.

he had ever borne him; while living. He threatened vengeance on all the nobility, who had been active in that bloody scene, and he made preparations for war in all parts of England. But being less constant in his enmities than in his friendships, he soon after hearkened to terms of accommodation; granted the barons a pardon of all offences; and as they stipulated to ask him publicly pardon on their knees", he was so pleased with these vain appearances of submission, that he seemed to have sincerely forgiven them all past injuries. But as they still pretended, notwithstanding their lawless conduct, a great anxiety for the maintenance of law, and required the establishment of their former ordinances as a necessary security for that purpose; Edward told them, that he was willing to grant them a free and legal confirmation of such of these ordinances as were not entirely derogatory to the prerogative of the crown. This answer was received for the present as satisfactory. The king's person, after the death of Gavaston, was now become less obnoxious to the public; and as the ordinances, insisted on, appeared to be nearly the same with those which had formerly been extorted from Henry III. by Mountfort, and which had been attended with so many fatal consequences, they were, on that account, demanded with less vehemence by the nobility and people. The minds of all men seemed to be much appeased: The

C H A P.
XIV.
1312.

* Ryley, p. 538. Rymer, vol. iii. p. 366.

C H A P. animosities of faction no longer prevailed: And
 XIV. England, now united under its head, would
 1312. henceforth be able, it was hoped, to take vengeance on all its enemies; particularly on the Scots, whose progress was the object of general resentment and indignation.

War with
 Scotland.

IMMEDIATELY after Edward's retreat from Scotland, Robert Bruce left his fastnesses, in which he intended to have sheltered his feeble army, and supplying his defect of strength by superior vigor and abilities, he made deep impression on all his enemies, foreign and domestic. He chased lord Argyle and the chieftain of the Macdowals from their hills, and made himself entirely master of the high country: He thence invaded with success the Cummins in the low countries of the north: He took the castles of Inverness, Forfar, and Brechin: He daily gained some new accession of territory; and what was a more important acquisition, he daily reconciled the minds of the nobility to his dominion, and enlisted under his standard every bold leader, whom he enriched by the spoils of his enemies. Sir James Douglas, in whom commenced the greatness and renown of that warlike family, seconded him in all his enterprises: Edward Bruce, Robert's own brother, distinguished himself by acts of valor: And the terror of the English power being now abated by the feeble conduct of the king, even the least sanguine of the Scots began to entertain hopes of recovering their independence; and the whole kingdom, except a few fortresses, which he had

not the means to attack, had acknowledged the authority of Robert.

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IN this situation, Edward had found it necessary to grant a truce to Scotland; and Robert successfully employed the interval in consolidating his power, and introducing order into the civil government, disjointed by a long continuance of wars and factions. The interval was very short: The truce, ill observed on both sides, was at last openly violated; and war recommenced with greater fury than ever. Robert, not content with defending himself, had made successful inroads into England, subsisted his needy followers by the plunder of that country, and taught them to despise the military genius of a people, who had long been the object of their terror. Edward, at last, roused from his lethargy, had marched an army into Scotland; and Robert, determined not to risque too much against an enemy so much superior, retired again into the mountains. The king advanced beyond Edinburgh; but being destitute of provisions, and being ill supported by the English nobility, who were then employed in framing their ordinances, he was soon obliged to retreat, without gaining any advantage over the enemy. But the appearing union of all the parties in England, after the death of Gavaston, seemed to restore that kingdom to its native force, opened again the prospect of reducing Scotland; and promised a happy conclusion to a war, in which both the interests and passions of the nation were so deeply engaged.

C H A P. EDWARD assembled forces from all quarters, with a view of finishing at one blow this important enterprize. He summoned the most warlike of his vassals from Gascony: He enlisted troops from Flanders and other foreign countries: He invited over great numbers of the disorderly Irish as to a certain prey: He joined to them a body of the Welsh, who were actuated by like motives: And assembling the whole military force of England, he marched to the frontiers with an army, which, according to the Scotch writers, amounted to a hundred thousand men.

THE army, collected by Robert, exceeded not thirty thousand combatants; but being composed of men, who had distinguished themselves by many acts of valor, who were rendered desperate by their situation, and who were inured to all the varieties of fortune, they might justly, under such a leader, be deemed formidable to the most numerous and best appointed armies. The castle of Stirling, which, with Berwic, was the only fortress in Scotland, that remained in the hands of the English, had long been besieged by Edward Bruce: Philip de Mowbray, the governor, after an obstinate defence, was at last obliged to capitulate, and to promise, that, if, before a certain day, which was now approaching, he were not relieved, he should open his gates to the enemy²⁵. Robert therefore, sensible that here was the ground on which he must expect the

²⁵ Rymer, vol. iii. p. 481.

English, chose the field of battle with all the skill and prudence imaginable, and made the necessary preparations for their reception. He posted himself at Bannockburn, about two miles from Stirling; where he had a hill on his right flank, and a morass on his left: And not content with having taken these precautions to prevent his being surrounded by the more numerous army of the English; he foresaw the superior strength of the enemy in cavalry, and made provision against it. Having a rivulet in front, he commanded deep pits to be dug along its banks, and sharp stakes to be planted in them; and he ordered the whole to be carefully covered over with turf ²⁶. The English arrived in sight on the evening, and a bloody conflict immediately ensued between two bodies of cavalry, where Robert, who was at the head of the Scots, engaged in single combat with Henry de Bohun, a gentleman of the family of Hereford; and at one stroke cleft his adversary to the chin with a battle-ax, in sight of the two armies. The English horse fled with precipitation to their main body.

THE Scots, encouraged by this favorable event, and glorying in the valor of their prince, prognosticated a happy issue to the combat on the ensuing day: The English, confident in their numbers, and elated with former successes, longed for an opportunity of revenge: And the night, though extremely short in that season and in that

C H A P.
XIV.
1314.

²⁶ T. de la More, p. 594.

C H A P. climate, appeared tedious to the impatience of the several combatants. Early in the morning, Edward drew out his army, and advanced towards the Scots. The earl of Gloucester, his nephew, who commanded the left wing of the cavalry, impelled by the ardor of youth, rushed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy". This body of horse was disordered: Gloucester himself was overthrown and slain: Sir James Douglas, who commanded the Scottish cavalry, gave the enemy no leisure to rally, but pushed them off the field with considerable loss, and pursued them in sight of their whole line of infantry. While the English army were alarmed with this unfortunate beginning of the action, which commonly proves decisive, they observed an army on the heights towards the left, which seemed to be marching leisurely in order to surround them; and they were distracted by their multiplied fears. This was a number of waggoners and sumpter boys, whom Robert had collected; and having supplied them with military standards, gave them the appearance at a distance of a formidable body. The stratagem took effect: A panic seized the English: They threw down their arms and fled: They were pursued with great slaughter, for the space of ninety miles, till they reached Berwic: And the Scots, besides an inestimable booty, took many

" T. de la More, p. 594.

persons of quality, prisoners, and above 400 gentlemen, whom Robert treated with great humanity²², and whose ransom was a new accession of wealth to the victorious army. The king himself narrowly escaped by taking shelter in Dunbar, whose gates were opened to him by the earl of March; and he thence passed by sea to Berwic.

C H A P.
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SUCH was the great and decisive battle of Bannockburn, which secured the independence of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greatest overthrow that the English nation, since the conquest, has ever received. The number of slain on those occasions is always uncertain, and is commonly much magnified by the victors: But this defeat made a deep impression on the minds of the English; and it was remarked, that, for some years, no superiority of numbers could encourage them to keep the field against the Scots. Robert, in order to avail himself of his present success, entered England, and ravaged all the northern counties without opposition: He besieged Carlisle; but that place was saved by the valor of Sir Andrew Harcla, the governor: He was more successful against Berwic, which he took by assault: And this prince, elated by his continued prosperity, now entertained hopes of making the most important conquests on the English. He sent over his brother Edward, with an army of 6000 men, into Ireland; and that nobleman assumed the title

1315.

²² Ypod. Neust. p. 501.

C H A P. of King of that island: He himself followed soon
 XIV. after with more numerous forces: The horrible
 1315. and absurd oppressions, which the Irish suffered
 under the English government, made them, at
 first, fly to the standard of the Scots, whom they
 regarded as their deliverers: But a grievous fa-
 mine, which at that time desolated both Ireland
 and Britain, reduced the Scottish army to the
 greatest extremities; and Robert was obliged to
 return, with his forces much diminished, into his
 own country. His brother, after having experien-
 ced a variety of fortune, was defeated and slain
 near Dundalk by the English, commanded by lord
 Bermingham: And these projects, too extensive
 for the force of the Scottish nation, thus vanished
 into smoke.

EDWARD, besides suffering those disasters from
 the invasion of the Scots and the insurrection of
 the Irish, was also infested with a rebellion in
 Wales; and above all, by the factions of his own
 nobility, who took advantage of the public cala-
 mities, insulted his fallen fortunes, and endea-
 voured to establish their own independence on the
 ruins of the throne. Lancaster and the barons of
 his party, who had declined attending him on his
 Scottish expedition, no sooner saw him return
 with disgrace, than they insisted on the renewal
 of their ordinances, which, they still pretended,
 had validity; and the king's unhappy situation
 obliged him to submit to their demands. The
 ministry was new modelled by the direction of
 Lancaster

Lancaster²⁹: That prince was placed at the head of the council: It was declared, that all the offices should be filled, from time to time, by the votes of parliament, or rather, by the will of the great barons³⁰: And the nation, under this new model of government, endeavoured to put itself in a better posture of defence against the Scots. But the factious nobles were far from being terrified with the progress of these public enemies: On the contrary, they founded the hopes of their own future grandeur on the weakness and distresses of the crown: Lancaster himself was suspected, with great appearance of reason, of holding a secret correspondence with the king of Scots: And though he was intrusted with the command of the English armies, he took care that every enterprise should be disappointed, and every plan of operations prove unsuccessful.

ALL the European kingdoms, especially that of England, were at this time unacquainted with the office of a prime minister, so well understood at present in all regular monarchies; and the people could form no conception of a man, who, though still in the rank of a subject, possessed all the power of a sovereign, eased the prince of the burthen of affairs, supplied his want of experience or capacity, and maintained all the rights of the crown, without degrading the greatest nobles by

²⁹ Rymer, vol. iii. p. 722. Ryley, p. 560.

³⁰ Ibid. Brady, vol. ii. p. 122. from the records, App. No. 61.

- C H A P.** their submission to his temporary authority. Edward
XIV. was plainly by nature unfit to hold himself the reins
1315. of government: He had no vices; but was unhappy in a total incapacity for serious business: He was sensible of his own defects, and necessarily sought to be governed: Yet every favorite, whom he successively chose, was regarded as a fellow-subject, exalted above his rank and station: He was the object of envy to the great nobility: His character and conduct were decried with the people: His authority over the king and kingdom was considered as an usurpation: And unless the prince had embraced the dangerous expedient, of devolving his power on the earl of Lancaster or some mighty baron, whose family interest was so extensive as to be able alone to maintain his influence, he could expect no peace or tranquillity upon the throne.

Hugh le
Despenser.

THE king's chief favorite, after the death of Gavaston, was Hugh le Despenser or Spenser, a young man of English birth, of high rank, and of a noble family". He possessed all the exterior accomplishments of person and address, which were fitted to engage the weak mind of Edward; but was destitute of that moderation and prudence, which might have qualified him to mitigate the envy of the great, and conduct him through all the perils of that dangerous station, to which he was advanced. His father, who was of the same name, and who, by means of his son, had also

" Dugd. Baron. vol. i. p. 389.

attained great influence over the king, was a nobleman venerable from his years, respected through all his past life for wisdom, valor, and integrity, and well fitted, by his talents and experience, to have supplied the defects both of the king and of his minion¹³. But no sooner was Edward's attachment declared for young Spenser, than the turbulent Lancaster, and most of the great barons, regarded him as their rival, made him the object of their animosity, and formed violent plans for his ruin¹⁴. They first declared their discontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities against him.

THE king, who set no limits to his bounty towards his minions, had married the younger Spenser to his niece, one of the co-heirs of the earl of Gloucester, slain at Bannockburn. The favorite, by his succession to that opulent family, had inherited great possessions in the marches of Wales¹⁵, and being desirous of extending still farther his influence in those quarters, he is accused of having committed injustice on the barons of Audley and Ammori, who had also married two sisters of the same family. There was likewise a baron in that neighbourhood, called Wil-

1321.
Civil com-
motions.

¹³ T. de la More, p. 594. ¹⁴ Ibid. p. 595.
Walsingham. p. 113. Murimuth, p. 55.
¹⁵ Trivet, cont. p. 25.

CHAP. liam de Braouse, lord of Gower, who had made
 XIV. a settlement of his estate on John de Mowbray,
 1321. his son-in-law; and in case of failure of that noble-
 man and his issue, had substituted the earl of
 Hereford, in the succession to the barony of
 Gower. Mowbray, on the decease of his father-
 in-law, entered immediately in possession of the
 estate, without the formality of taking livery and
 seizin from the crown: But Spenser, who coveted
 that barony, persuaded the king to put in execu-
 tion the rigor of the feudal law, to seize Gower
 as escheated to the crown, and to confer it upon
 him¹⁵. This transaction, which was the proper
 subject of a lawsuit, immediately excited a civil
 war in the kingdom. The earls of Lancaster and
 Hereford flew to arms: Audley and Ammori joined
 them with all their forces: The two Rogers de
 Mortimer and Roger de Clifford, with many
 others, disgusted for private reasons at the Spen-
 sers, brought a considerable accession to the party:
 And their army being now formidable, they sent
 a message to the king, requiring him immediately
 to dismiss or confine the younger Spenser; and
 menacing him in case of refusal, with renouncing
 their allegiance to him, and taking revenge on
 that minister by their own authority. They
 scarcely waited for an answer; but immediately
 fell upon the lands of young Spenser, which they
 pillaged and destroyed; murdered his servants,
 drove off his cattle, and burned his houses¹⁶.

¹⁵ Monach, Malmes.

¹⁶ Murimuth, p. 55.

They thence proceeded to commit like devastations on the estates of Spenser, the father, whose character they had hitherto seemed to respect. And having drawn and signed a formal association among themselves¹⁷, they marched to London with all their forces, stationed themselves in the neighbourhood of that city, and demanded of the king the banishment of both the Spensers. These noblemen were then absent; the father abroad, the son at sea; and both of them employed in different commissions: The king therefore replied, that his coronation oath, by which he was bound to observe the laws, restrained him from giving his assent to so illegal a demand, or condemning noblemen who were accused of no crime, nor had any opportunity afforded them of making answer¹⁸. Equity and reason were but a feeble opposition to men, who had arms in their hands, and who, being already involved in guilt, saw no safety but in success and victory. They entered London with their troops; and giving in to the parliament, which was then sitting, a charge against the Spensers, of which they attempted not to prove one article, they procured, by menaces and violence, a sentence of attainder and perpetual exile against these ministers¹⁹. This sentence was voted by the lay barons alone: For the commons, though now an estate in parliament, were yet of

C H A P.
XIV.
1321.

¹⁷ Tyrrel, vol. iii. p. 280. from the register of C. C. Canterbury. ¹⁸ Walsing. p. 114.

¹⁹ Tottle's collect. part 2. p. 50. Walsing. p. 114.

C H A P. so little consideration, that their assent was not demanded; and even the votes of the prelates were neglected amidst the present disorders. The only symptom, which these turbulent barons gave of their regard to law, was their requiring from the king an indemnity for their illegal proceedings^{**}; after which they disbanded their army, and separated, in security, as they imagined, to their several castles.

XIV.

1321.

THIS act of violence, in which the king was obliged to acquiesce, rendered his person and his authority so contemptible, that every one thought himself entitled to treat him with neglect. The queen, having occasion soon after to pass by the castle of Leeds in Kent, which belonged to the lord Badlesmere, desired a night's lodging; but was refused admittance, and some of her attendants, who presented themselves at the gate, were killed^{**}. The insult upon this princess, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the young Spenser, was an action which no body pretended to justify; and the king thought, that he might, without giving general umbrage, assemble an army, and take vengeance on the offender. No one came to the assistance of Badlesmere; and Edward prevailed^{**}: But having now some forces on foot, and having

^{**} Tottle's collect. part 2. p. 54. Rymer, vol. iii. p. 891.

^{**} Ibid. p. 89. Walsing. p. 114, 115. T. de la More, p. 595. Mutimuth, p. 56. ^{**} Walsing. p. 115.

concerted measures with his friends throughout England, he ventured to take off the mask, to attack all his enemies, and to recal the two Spensers, whose sentence he declared illegal, unjust, contrary to the tenor of the Great Charter, passed without the assent of the prelates, and extorted by violence from him and the estate of barons". Still the commons were not mentioned by either party.

C H A P.
XIV.

THE king had now got the start of the barons; an advantage, which, in those times, was commonly decisive: And he hastened with his army to the marches of Wales, the chief seat of the power of his enemies, whom he found totally unprepared for resistance. Many of the barons in those parts endeavoured to appease him by submission": Their castles were seized, and their persons committed to custody. But Lancaster, in order to prevent the total ruin of his party, summoned together his vassals and retainers: declared his alliance with Scotland, which had long been suspected; received the promise of a reinforcement from that country, under the command of Randolf, earl of Murray, and Sir James Douglas"; and being joined by the earl of Hereford, advanced with all his forces against the king, who had collected an army of 30,000 men, and was superior to his enemies. Lancaster

1322.

" Rymer, vol. iii. p. 907. T. de la More, p. 595.

" Walling, p. 115. Murimuth, p. 57.

" Rymer, vol. iii. p. 958.

C H A P. posted himself at Burton upon Trent, and endeavoured to defend the passages of the river " :
 XIV. But being disappointed in that plan of operations;
 1322. this prince, who had no military genius, and whose personal courage was even suspected, fled with his army to the north, in expectation of being there joined by his Scottish allies ". He was pursued by the king; and his army diminished daily; till he came to Boroughbridge, where he found Sir Andrew Harcla posted with some forces on the opposite side of the river, and ready to dispute the passage with him. He was repulsed in an attempt which he made to force his way;
 36th March. the earl of Hereford was killed; the whole army of the rebels was disconcerted; Lancaster himself was become incapable of taking any measures either for flight or defence; and he was seized without resistance by Harcla, and conducted to the king ". In those violent times, the laws were so much neglected on both sides, that, even where they might, without any sensible inconvenience, have been observed, the conquerors deemed it unnecessary to pay any regard to them. Lancaster, who was guilty of open rebellion, and was taken in arms against his sovereign, instead of being tried by the laws of his country, which pronounced the sentence of death against him, was condemned by a court-martial ", and led to execution.

" Walsing. p. 115. " Ypod. Neust. p. 504.

" T. de la More, p. 596. Walsing. p. 116.

" Tyrrel, vol. ii. p. 291, from the records.

Edward, however little vindictive in his natural temper, here indulged his revenge, and employed against the prisoner the same indignities, which had been exercised by his orders against Gavaston. He was clothed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this posture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own castles, and there beheaded *.

C H A P.
XIV.
1322.
23d March.
Execution
of the earl
of Lancas-
ter.

THUS perished Thomas earl of Lancaster, prince of the blood, and one of the most potent barons that had ever been in England. His public conduct sufficiently discovers the violence and turbulence of his character: His private deportment appears not to have been more innocent: And his hypocritical devotion, by which he gained the favor of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt. Badlesmere, Giffard, Barret, Cheyney, Fleming, and about eighteen of the most notorious offenders, were afterwards condemned by a legal trial and were executed. Many were thrown into prison: Others made their escape beyond sea: Some of the king's servants were rewarded from the forfeitures: Harcla received for his services the earldom of Carlisle, and a large estate, which he soon after forfeited with his life, for a treasonable correspondence with the king of Scotland. But the greater part of those vast escheats was

* Leland's Coll. vol. i. p. 668.

C H-A P. seized by young Spenfer, whose rapacity was
XIV. insatiable. Many of the barons of the king's party
1322. were disgusted with this partial division of the
 spoils: The envy against Spenfer rose higher than
 ever: The usual insolence of his temper, inflamed
 by success, impelled him to commit many acts
 of violence: The people, who always hated him,
 made him still more the object of aversion: All
 the relations of the attainted barons and gentlemen
 secretly vowed revenge: And though tranquillity
 was in appearance restored to the kingdom, the
 general contempt of the king and odium against
 Spenfer, bred dangerous humors, the source of
 future revolutions and convulsions.

In this situation no success could be expected
 from foreign wars; and Edward, after making
 one more fruitless attempt against Scotland, whence
 he retreated with dishonor, found it necessary to
 terminate hostilities with that kingdom, by a truce
 of thirteen years¹¹. Robert, though his title to
 the crown was not acknowledged in the treaty,
 was satisfied with ensuring his possession of it
 during so long a time. He had repelled with gal-
 lantry all the attacks of England: He had carried
 war both into that kingdom and into Ireland:
 He had rejected with disdain the pope's authority,
 who pretended to impose his commands upon
 him, and oblige him to make peace with his
 enemies: His throne was firmly established, as
 well in the affections of his subjects, as by force

¹¹ Rymer, vol. iii. p. 1022. Murimuth, p. 60.

of arms: Yet there naturally remained some inquietude in his mind, while at war with a state, which, however at present disordered by faction, was of itself so much an over-match for him both in riches and in numbers of people. And this truce was, at the same time, the more seasonable for England; because the nation was at that juncture threatened with hostilities from France.

C H A P.
XIV.

PHILIP the Fair, king of France, who died in 1315, had left the crown to his son Lewis Hutin, who, after a short reign, dying without male issue, was succeeded by Philip the Long, his brother, whose death soon after made way for Charles the Fair, the youngest brother of that family. This monarch had some grounds of complaint against the king's ministers in Guienne; and as there was no common or equitable judge in that strange species of sovereignty, established by the feudal law, he seemed desirous to take advantage of Edward's weakness, and under that pretence, to confiscate all his foreign dominions¹². After an embassy by the earl of Kent, the king's brother, had been tried in vain, queen Isabella obtained permission to go over to Paris, and endeavour to adjust, in an amicable manner, the difference with her brother: But while she was making some progress in this negotiation, Charles started a new pretension, the justice of which could not be disputed, that Edward himself should

1324.

¹² Rymer, vol. iv. p. 74. 98.

- 3 H A P. appear in his court, and do homage for the fees
 XIV. which he held in France But there occurred many difficulties in complying with this demand. Young Spenfer, by whom the king was implicitly governed, had unavoidably been engaged in many quarrels with the queen, who aspired to the same influence; and though that artful princess, on her leaving England, had dissembled her animosity, Spenfer, well acquainted with her secret sentiments, was unwilling to attend his master to Paris, and appear in a court, where her credit might expose him to insults, if not to danger. He hesitated no less on allowing the king to make the journey alone; both fearing, lest that easy prince should in his absence fall under other influence, and foreseeing the perils, to which he himself should be exposed, if, without the protection of royal authority, he remained in England, where he was so generally hated.
1325. While these doubts occasioned delays and difficulties, Isabella proposed, that Edward should resign the dominion of Guienne to his son, now thirteen years of age; and that the Prince should come to Paris, and do the homage which every vassal owed to his superior lord. This expedient, which seemed so happily to remove all difficulties, was immediately embraced: Spenfer was charmed with the contrivance: Young Edward was sent to Paris: And the ruin, covered under this fatal snare, was never perceived or suspected, by any of the English council.

THE queen on her arrival in France, had there found a great number of English fugitives, the remains of the Lancastrian faction; and their common hatred of Spenser soon begat a secret friendship and correspondence between them and that princefs. Among the rest was young Roger Mortimer, a potent baron in the Welsh marches, who had been obliged, with others, to make his submissions to the king, had been condemned for high treason; but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual. He was so fortunate as to make his escape into France²¹; and being one of the most considerable persons now remaining of the party, as well as distinguished by his violent animosity against Spenser, he was easily admitted to pay his court to queen Isabella. The graces of his person and address advanced him quickly in her affections: He became her confident and counselor in all her measures: And gaining ground daily upon her heart, he engaged her to sacrifice at last, to her passion, all the sentiments of honor and of fidelity to her husband²². Hating now the man, whom she had injured, and whom she never valued, she entered ardently into all Mortimer's conspiracies; and having artfully gotten into her hands the young prince, and heir of the monarchy,

C H A P.
XIV.
13:5.

Conspiracy
against the
king.

²¹ Rymer, vol. iv. p. 7, 8. 20. T. de la More, p. 596. Walling. p. 120. Ypod. Neust. p. 506.

²² T. de la More, p. 598. Murimuth, p. 65.

C H A P. she resolved on the utter ruin of the king, as
 XIV. well as of his favorite. She engaged her brother
 1325. to take part in the same criminal purpose: Her
 court was daily filled with the exiled barons:
 Mortimer lived in the most declared intimacy
 with her: A correspondence was secretly carried
 on with the malecontent party in England: And
 when Edward, informed of those alarming circum-
 stances, required her speedily to return with the
 prince, she publicly replied, that she would never
 set foot in the kingdom, till Spenser was for
 ever removed from his presence and councils: A
 declaration, which procured her great popularity
 in England, and threw a decent veil over all her
 treasonable enterprises.

Insurrec-
 tions.

EDWARD endeavoured to put himself in a
 posture of defence^{''}; but, besides the difficulties
 arising from his own indolence and slender abili-
 ties, and the want of authority, which of conse-
 quence attended all his resolutions, it was not
 easy for him, in the present state of the kingdom
 and revenue, to maintain a constant force ready
 to repel an invasion, which he knew not at
 what time or place he had reason to expect. All
 his efforts were unequal to the traiterous and
 hostile conspiracies, which, both at home and
 abroad, were forming against his authority, and
 which were daily penetrating farther even into
 his own family. His brother, the earl of Kent, a
 virtuous but weak prince, who was then at Paris,

^{''} Rymer, vol. iv. p. 184. 188. 225.

was engaged by his sister-in-law, and by the king of France, who was also his cousin-german, to give countenance to the invasion, whose sole object, he believed, was the expulsion of the Spencers: He prevailed on his elder brother, the earl of Norfolk, to enter secretly into the same design: The earl of Leicester, brother and heir of the earl of Lancaster, had too many reasons for his hatred of these ministers, to refuse his concurrence. Walter de Reynel, archbishop of Canterbury, and many of the prelates, expressed their approbation of the queen's measures: Several of the most potent barons, envying the authority of the favorite, were ready to fly to arms: The minds of the people, by means of some truths and many calumnies, were strongly disposed to the same party: And there needed but the appearance of the queen and prince, with such a body of foreign troops, as might protect her against immediate violence, to turn all this tempest, so artfully prepared, against the unhappy Edward.

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CHARLES, though he gave countenance and assistance to the faction, was ashamed openly to support the queen and prince, against the authority of a husband and father; and Isabella was obliged to court the alliance of some other foreign potentate, from whose dominions she might set out on her intended enterprise. For this purpose, she affianced young Edward, whose tender age made him incapable to judge of the consequences, with Philippa, daughter of the count of Holland

2326.

C H A P. and Hainault "; and having, by the open assistance of this prince, and the secret protection of her brother, enlisted in her service near 3000 men, she set sail from the harbour of Dort, and landed safely, and without opposition, on the coast of Suffolk. The earl of Kent was in her company: Two other princes of the blood, the earl of Norfolk, and the earl of Leicester, joined her soon after her landing with all their followers: Three prelates, the bishops of Ely, Lincoln, and Hereford, brought her both the force of their vassals and the authority of their character": Even Robert de Watteville, who had been sent by the king to oppose her progress in Suffolk, deserted to her with all his forces. To render her cause more favorable, she renewed her declaration, that the sole purpose of her enterprise was to free the king and kingdom from the tyranny of the Spensers, and of chancellor Baldoc, their creature". The populace were allured by her specious pretences: The barons thought themselves secure against forfeitures by the appearance of the prince in her army: And a weak irresolute king, supported by ministers generally odious, was unable to stem this torrent, which bore with such irresistible violence against him.

EDWARD, after trying in vain to rouse the citizens of London to some sense of duty",

" T. de la More, p. 598.

" Ibid.

Walsing. p. 123. Ypod. Neust. p. 507. Murimuth, p. 66.

" Ypod. Neust. p. 508.

" Walsing. p. 123.

departed

departed for the west, where he hoped to meet with better reception; and he had no sooner discovered his weakness by leaving the city, than the rage of the populace broke out without controul against him and his ministers. They first plundered, then murdered all those who were obnoxious to them: They seized the bishop of Exeter, a virtuous and loyal prelate, as he was passing through the streets; and having beheaded him; they threw his body into the river". They made themselves masters of the Tower by surprise; then entered into a formal association to put to death, without mercy, every one who should dare to oppose the enterprise of queen Isabella, and of the prince ". A like spirit was soon communicated to all other parts of England; and threw the few servants of the king, who still entertained thoughts of performing their duty, into terror and astonishment.

EDWARD was hotly pursued to Bristol by the earl of Kent, seconded by the foreign forces under John de Hainault. He found himself disappointed in his expectations with regard to the loyalty of those parts; and he passed over to Wales, where, he flattered himself, his name was more popular, and which he hoped to find uninfected with the contagion of general rage, which had seized the English". The elder Spenser, created earl of Winchester, was left governor

" T. de la More, 599. Murimuth, p. 66. Walling.
p. 124. " Ibid. " Murimuth, p. 67.

U N A P. of the castle of Bristol; but the garrison mutinied
 XIV. against him, and he was delivered into the
 4326. hands of his enemies. This venerable noble, who
 had nearly reached his ninetieth year, was instantly, without trial, or witness, or accusation, or answer, condemned to death by the rebellious barons: He was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs;" and his head was sent to Winchester, the place whose title he bore, and was there set on a pole, and exposed to the insults of the populace.

THE king, disappointed anew in his expectations of succour from the Welsh, took shipping for Ireland; but being driven back by contrary winds, he endeavoured to conceal himself in the mountains of Wales: He was soon discovered, was put under the custody of the earl of Leicester, and was confined in the castle of Kenilworth. The younger Spenser, his favorite, who also fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial": The earl of Arundel, almost the only man of his rank in England, who had maintained his loyalty, was, without any trial, put to death at the instigation of Mortimer: Baldoc, the chancellor, being a priest, could not with safety be so suddenly dispatched; but being sent to the bishop of Hereford's palace in London, he was

" Leland's Coll. vol. i. p. 672. T. de la More, p. 599.
 M. Froissart, liv. i. chap. 13. Walsing. p. 125.

" Ibid. Ypod. Neust. p. 508.

there, as his enemies probably foresaw, seized O H A P. XIV.
by the populace, was thrown into Newgate, and soon after expired, from the cruel usage which he had received ". Even the usual reverence, paid to the sacerdotal character, gave way, with every other consideration, to the present rage of the people.

THE queen, to avail herself of the prevailing delusion, summoned, in the king's name, a parliament at Westminster; where, together with the power of her army, and the authority of her partisans among the barons, who were concerned to secure their past treasons by committing new acts of violence against their sovereign, she expected to be seconded by the fury of the populace, the most dangerous of all instruments, and the least answerable for their excesses. A charge was drawn up against the king, in which, even though it was framed by his inveterate enemies, nothing but his narrow genius, or his misfortunes, were objected to him: For the greatest malice found no particular crime with which it could reproach this unhappy prince. He was accused of incapacity for government, of wasting his time in idle amusements, of neglecting public business, of being swayed by evil counsellors, of having lost, by his misconduct, the kingdom of Scotland, and part of Guienne; and to swell the charge, even the death of some barons, and the imprisonment of some prelates, convicted of

The king
dethroned.
1327.
13th Jan.

" Walsing. p. 126. Murimuth, p. 68.

H A P. treason, were laid to his account “ It was in
 XIV. vain, amidst the violence of arms and tumult of
 1327. the people, to appeal either to law or to reason:
 The deposition of the king, without any appearing
 opposition, was voted by parliament: The
 prince, already declared regent by his party “ ,
 was placed on the throne: And a deputation
 was sent to Edward at Kenilworth, to require
 his resignation, which menaces and terror soon
 extorted from him.

BUT it was impossible, that the people, however
 corrupted by the barbarity of the times; still farther
 inflamed by faction, could for ever remain insen-
 sible to the voice of nature. Here, a wife had
 first deserted, next invaded, and then dethroned
 her husband; had made her minor son an instru-
 ment in this unnatural treatment of his father; had
 by lying pretences seduced the nation into a re-
 bellion against their sovereign, had pushed them
 into violence and cruelties, that had dishonored
 them: All those circumstances were so odious in
 themselves, and formed such a complicated scene
 of guilt, that the least reflection sufficed to open
 men's eyes, and make them detest this flagrant
 infringement of every public and private duty.
 The suspicions which soon arose of Isabella's cri-
 minal commerce with Mortimer, the proofs which
 daily broke out of this part of her guilt, increased
 the general abhorrence against her; and her hypo-

“ Knyghton, p. 2765, 2766. Brady's App. N°. 72.

“ Rymer, vol. iv. p. 137. Walsing. p. 125.

crify, in publicly bewailing with tears the king's unhappy fate " , was not able to deceive even the most stupid and most prejudiced of her adherents. In proportion as the queen became the object of public hatred, the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendship, with veneration: And men became sensible, that all his misconduct, which faction had so much exaggerated, had been owing to the unavoidable weakness, not to any voluntary depravity of his character. The earl of Leicester, now earl of Lancaster, to whose custody he had been committed, was soon touched with those generous sentiments; and besides using his prisoner with gentleness and humanity, he was suspected to have entertained still more honorable intentions in his favor. The king, therefore, was taken from his hands, and delivered over to lord Berkeley, and Mautravers, and Gournay, who were intrusted alternately, each for a month, with the charge of guarding him. While he was in the custody of Berkeley, he was still treated with the gentleness due to his rank and his misfortunes; but when the turn of Mautravers and Gournay came, every species of indignity was practised against him, as if their intention had been to break entirely the prince's spirit, and to employ his sorrows and afflictions, instead of more violent and more dangerous expedients, for the instru-

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1327.

" Walsing. p. 126.

C H A P. ments of his murder [“]. It is reported, that one
XIV. day, when Edward was to be shaved, they
1327. ordered cold and dirty water to be brought from
the ditch for that purpose; and when he desired
it to be changed, and was still denied his request,
he burst into tears, which bedewed his cheeks;
and he exclaimed, that, in spite of their insolence,
he should be shaved with clean and warm water [”].
But as this method of laying Edward in his grave
appeared still too slow to the impatient Mortimer,
he secretly sent orders to the two keepers, who
were at his devotion, instantly to dispatch him;
and these ruffians contrived to make the manner
of his death as cruel and barbarous as possible.
Taking advantage of Berkeley's sickness, in whose
custody he then was, and who was thereby in-
capacitated from attending his charge [”]; they
came to Berkeley-castle, and put themselves in
possession of the king's person. They threw him
on a bed; held him down violently with a table,
which they flung over him; thrust into his fun-
dament a red-hot iron, which they inserted through
a horn; and though the outward marks of violence
upon his person were prevented by this expedient,
the horrid deed was discovered to all the guards
and attendants by the screams, with which the
agonizing king filled the castle, while his bowels
were consuming.

21st Sept.
The king
murdered.

[“] Anonymi Hist. p. 838.

[”] T. de la Mare, p. 602.

[”] Cotton's Abridg. p. 8.

GOURNAY and Mautravers were held in general detestation; and when the ensuing revolution in England threw their protectors from power, they found it necessary to provide for their safety by flying the kingdom. Gournay was afterwards seized at Marseilles, delivered over to the seneschal of Guienne, put on board a ship with a view of carrying him to England; but he was beheaded at sea, by secret orders, as was supposed, from some nobles and prelates in England, anxious to prevent any discovery, which he might make of his accomplices. Mautravers concealed himself for several years in Germany; but having found means of rendering some service to Edward III. he ventured to approach his person, threw himself on his knees before him, submitted to mercy, and received a pardon ²².

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1327.

IT is not easy to imagine a man more innocent and inoffensive than the unhappy king, whose tragical death we have related; nor a prince less fitted for governing that fierce and turbulent people, subjected to his authority. He was obliged to devolve on others the weight of government, which he had neither ability nor inclination to bear: The same indolence and want of penetration led him to make choice of ministers and favorites, who were not always the best qualified for the trust committed to them: The seditious grandees, pleased with his weakness, yet complaining of it; under pretence of attacking his ministers, insulted

His character

²² Cotton's Abridg. p. 66. 81. Rymer, vol. v. p. 600.

C H A P. XIV. his person and invaded his authority: And the impatient populace, mistaking the source of their grievances, threw all the blame upon the king, and increased the public disorders by their faction and violence. It was in vain to look for protection from the laws, whose voice, always feeble in those times, was not heard amidst the din of arms: What could not defend the king was less able to give shelter to any of the people: The whole machine of government was torn in pieces with fury and violence: And men, instead of regretting the manners of their age, and the form of their constitution, which required the most steady and most skilful hand to conduct them, imputed all errors to the person who had the misfortune to be intrusted with the reins of empire.

BUT though such mistakes are natural and almost unavoidable while the events are recent, it is a shameful delusion in modern historians, to imagine, that all the ancient princes, who were unfortunate in their government, were also tyrannical in their conduct, and that the seditions of the people always proceeded from some invasion of their privileges by the monarch. Even a great and a good king was not in that age secure against faction and rebellion, as appears in the case of Henry II.; but a great king had the best chance, as we learn from the history of the same period, for quelling and subduing them. Compare the reigns and characters of Edward I. and II. The father made several violent attempts against the liberties of the people: His barons opposed him:

He was obliged, at least found it prudent, to submit: But as they dreaded his valor and abilities, they were content with reasonable satisfaction, and pushed no farther their advantages against him. The facility and weakness of the son, not his violence, threw every thing into confusion: The laws and government were overturned: An attempt to reinstate them was an unpardonable crime: And no atonement, but the deposition and tragical death of the king himself, could give those barons contentment. It is easy to see, that a constitution, which depended so much on the personal character of the prince, must necessarily, in many of its parts, be a government of will, not of laws. But always to throw, without distinction, the blame of all disorders upon the sovereign, would introduce a fatal error in politics, and serve as a perpetual apology for treason and rebellion: As if the turbulence of the great, and madness of the people, were not, equally with the tyranny of princes, evils incident to human society, and no less carefully to be guarded against in every well regulated constitution.

WHILE these abominable scenes passed in England, the theatre of France was stained with a wickedness equally barbarous, and still more public and deliberate. The order of knights templars had arisen during the first fervor of the Crusades; and uniting the two qualities the most popular in that age, devotion and valor, and exercising both in the most popular of all enterprises, the defence of the Holy Land, they had made rapid

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Miscellaneous transactions during this reign.

С Н А Р.

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is the "arguing" in your hand with the "other", and the "other" is the "other".

imprisonment for their vices and profligacy; he ordered on one day all the templars in France to be committed to prison, and imputed to them such enormous and absurd crimes, as are sufficient of themselves to destroy all the credit of the accusation. Besides their being universally charged with murder, robbery, and vices the most shocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce his Saviour, to spit upon the cross⁷³, and to join to this impiety the superstition of worshipping a gilded head, which was secretly kept in one of their houses at Marseilles. They also initiated, it was said, every candidate by such infamous rites, as could serve to no other purpose, than to degrade the order in his eyes, and destroy for ever the authority of all his superiors over him⁷⁴. Above a hundred of these unhappy gentlemen were put to the question, in order to extort from them a confession of their guilt: The more obstinate perished in the hands of their tormentors: Several, to procure immediate ease in the violence of their agonies, acknowledged whatever was required of them: Forged confessions were imputed to others: and Philip; as if their guilt were now certain, proceeded to a confiscation of all their treasures. But no sooner were the

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⁷³ Rymer, vol. iii. p. 31. 101.

⁷⁴ It was pretended, that he kissed the knights who received him on the mouth, navel, and breech. Dupuy, p. 15, 16. Walf. p. 99.

C H A P. templars relieved from their tortures, than preferring the most cruel execution to a life with
XIV. infamy, they disavowed their confessions, ex-
1327. claimed against the forgeries, justified the innocence of their order, and appealed to all the gallant actions, performed by them in ancient or later times, as a full apology for their conduct. The tyrant, enraged at this disappointment, and thinking himself now engaged in honor to proceed to extremities, ordered fifty-four of them, whom he branded as relapsed heretics, to perish by the punishment of fire in his capital: Great numbers expired after a like manner in other parts of the kingdom: And when he found, that the perseverance of these unhappy victims, in justifying to the last their innocence, had made deep impression on the spectators, he endeavoured to overcome the constancy of the templars by new inhumanities. The grand master of the order, John de Molay, and another great officer, brother to the sovereign of Dauphiny, were conducted to a scaffold, erected before the church of Notre-dame, at Paris: A full pardon was offered them on the one hand: The fire, destined for their execution, was shown them on the other: These gallant nobles still persisted in the protestations of their own innocence and that of their order; and were instantly hurried into the flames by the executioner⁷⁵.

⁷⁵ Vertot, vol. ii. p. 142.

IN all this barbarous injustice, Clement V. who was the creature of Philip, and then resided in France, fully concurred; and without examining a witness, or making any enquiry into the truth of facts, he, summarily, by the plenitude of his apostolic power, abolished the whole order. The templars all over Europe were thrown into prison; their conduct underwent a strict scrutiny; the power of their enemies still pursued and oppressed them; but no where, except in France, were the smallest traces of their guilt pretended to be found. England sent an ample testimony of their piety and morals; but as the order was now annihilated, the knights were distributed into several convents, and their possessions were, by command of the pope, transferred to the order of St. John¹⁶. We now proceed to relate some other detached transactions of the present period.

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1327.

THE kingdom of England was afflicted with a grievous famine during several years of this reign. Perpetual rains and cold weather, not only destroyed the harvest, but bred a mortality among the cattle, and raised every kind of food to an enormous price¹⁷. The parliament, in 1315, endeavoured to fix more moderate rates to commodities; not sensible that such an attempt was impracticable, and that, were it possible to reduce the price of provisions by any other expedient than by introducing plenty, nothing could be more

¹⁶ Rymer, vol. iii. p. 323. 956. vol. iv. p. 47. Ypod. Neust. p. 506.

¹⁷ Trivet, cont. p. 17, 18.

C H A P. pernicious and destructive to the public. Where
XIV. the produce of a year, for instance, falls so far
1327. short, as to afford full subsistence only for nine months, the only expedient for making it last all the twelve, is to raise the prices, to put the people by that means on short allowance, and oblige them to save their food, till a more plentiful season. But in reality, the increase of prices is a necessary consequence of scarcity; and laws, instead of preventing it, only aggravate the evil by cramping and restraining commerce. The parliament accordingly, in the ensuing year, repealed their ordinance, which they had found useless and burdensome ⁷⁸.

THE prices affixed by the parliament are somewhat remarkable: Three pounds twelve shillings of our present money for the best stalled ox; for other oxen, two pounds eight shillings: A fat hog of two years old, ten shillings: A fat wether unshorn, a crown; if shorn, three shillings and six-pence: A fat goose, seven-pence halfpenny: A fat capon, six pence: A fat hen, three-pence: Two chickens, three-pence: Four pigeons, three-pence: Two dozen of eggs, three-pence ⁷⁹. If we consider these prices, we shall find, that butcher's meat, in this time of great scarcity, must still have been sold, by the parliamentary ordinance, three times cheaper than our middling prices at present: Poultry somewhat lower; because, being

⁷⁸ Walf. p. 107. ⁷⁹ Rot. Parl. 7. Edm. II. n. 35, 36. Ypod. Neust. p. 502.

now considered as a delicacy, it has risen beyond its proportion. In the country places of Ireland and Scotland, where delicacies bear no price, poultry is at present as cheap, if not cheaper, than butcher's meat. But the inference I would draw from the comparison of prices is still more considerable: I suppose that the rates, affixed by parliament, were inferior to the usual market prices in those years of famine and mortality of cattle; and that these commodities, instead of a third, had really risen to a half of the present value. But the famine at that time was so consuming, that wheat was sometimes sold for above four pounds ten shillings a quarter²², usually for three pounds²³; that is, twice our middling prices. A certain proof of the wretched state of tillage in those ages. We formerly found, that the middling price of corn in that period was half of the present price; while the middling price of cattle was only an eighth part: We here find the same immense disproportion in years of scarcity. It may thence be inferred with certainty, that the raising of corn was a species of manufactory, which few in that age could practise with advantage: And there is reason to think, that other manufactures more refined, were sold even beyond their present prices: At least there is a demonstration for it in the reign of Henry VII. from the rates affixed to

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1327.

²² Murimuth, p. 48. Walsingham, p. 108, says it rose to six pounds.
²³ Ypod. Neust. p. 502. Trivet, cont. p. 18.

C H A P. scarlet and other broad cloth by act of parliament.

XIV. During all those times, it was usual for the princes and great nobility to make settlements of their

1327. velvet beds and silken robes, in the same manner as of their estates and manors²². In the list of

jewels and plate, which had belonged to the ostentatious Gavaston, and which the king recovered from the earl of Lancaster after the murder of that favorite, we find some embroidered girdles, flowered shirts, and silk waistcoats²³.

It was afterwards one article of accusation against that potent and opulent earl, when he was put to death, that he had purloined some of that finery of Gavaston's. The ignorance of those

ages in manufactures, and still more, their unskilful husbandry, seem a clear proof that the country was then far from being populous.

ALL trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe, where they seem to have risen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by the king, and was desired to break off commerce with the Scots, whom Edward called his rebels, and represented as excommunicated on that account by the church, the earl replied, that Flanders was always considered as common, and free and open to all nations²⁴.

²² Dugdale passim.

²³ Ibid. p. 770.

²⁴ Rymer, vol. iii. p. 388.

THE petition of the elder Spenfer to parliament, complaining of the devastation committed on his lands by the barons, contains several particulars, which are curious, and discover the manners of the age". He affirms, that they had ravaged sixty-three manors belonging to him, and he makes his losses amount to 46,000 pounds; that is, to 138,000 of our present money. Among other particulars, he enumerates 28,000 sheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart-horses, 2000 hogs; together with 600 bacons, 80 carcasses of beef, and 600 muttons in the larder; ten tuns of cyder, arms for 200 men, and other warlike engines and provisions. The plain inference is, that the greater part of Spenfer's vast estate, as well as the estates of the other nobility, was farmed by the landlord himself, managed by his stewards or bailiffs, and cultivated by his villains. Little or none of it was let on lease to husbandmen: Its produce was consumed in rustic hospitality by the baron or his officers: A great number of idle retainers, ready for any disorder or mischief, were maintained by him: All who lived upon his estate were absolutely at his disposal: Instead of applying to courts of justice, he usually sought redress by open force and violence: The great nobility were a kind of independent potentates, who, if they submitted to any regulations at all, were less governed by

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1327.

" Brady's hist. vol. ii. p. 143, from Claus. 15 Edw. II.
M. 14. Dors. in cedula,

6 H A P. the municipal law, than by a rude species of the
 XIV. law of nations. The method, in which we find
 1327. they treated the king's favorites and ministers, is
 a proof of their usual way of dealing with each
 other. A party, which complains of the arbitrary
 conduct of ministers, ought naturally to affect a
 great regard for the laws and constitution, and
 maintain at least the appearance of justice in their
 proceedings: Yet those barons, when discontented,
 came to parliament with an armed force, con-
 strained the king to assent to their measures, and
 without any trial or witness or conviction, passed,
 from the pretended notoriety of facts, an act of
 banishment or attainder against the minister,
 which, on the first revolution of fortune, was
 reversed by like expedients. The parliament,
 during factious times, was nothing but the organ
 of present power. Though the persons, of whom
 it was chiefly composed, seemed to enjoy great
 independence, they really possessed no true liberty;
 and the security of each individual among them,
 was not so much derived from the general pro-
 tection of law, as from his own private power
 and that of his confederates. The authority of
 the monarch, though far from absolute, was irre-
 gular, and might often reach him: The current
 of a faction might overwhelm him: A hundred
 considerations, of benefits and injuries, friendships
 and animosities, hopes and fears, were able to
 influence his conduct; and amidst these motives a
 regard to equity and law and justice was com-
 monly, in those rude ages, of little moment.

Nor did any man entertain thoughts of opposing c H A P.
present power, who did not deem himself strong XIV.
enough to dispute the field with it by force, 1327.
and was not prepared to give battle to the sovereign
or the ruling party.

BEFORE I conclude this reign, I cannot forbear making another remark, drawn from the detail of losses given in by the elder Spenser; particularly, the great quantity of salted meat which he had in his larder, 600 bacons, 80 carcasses of beef, 600 muttons. We may observe that the outrage, of which he complained, began after the third of May, or the eleventh new style, as we learn from the same paper. It is easy therefore to conjecture what a vast store of the same kind he must have laid up at the beginning of winter; and we may draw a new conclusion with regard to the wretched state of ancient husbandry, which could not provide subsistence for the cattle during winter, even in such a temperate climate as the south of England: For Spenser had but one manor so far north as Yorkshire. There being few or no inclosures, except perhaps for deer, no sown grafs, little hay, and no other resource for feeding cattle; the barons, as well as the people, were obliged to kill and salt their oxen and sheep in the beginning of winter, before they became lean upon the common pasture: A precaution still practised with regard to oxen in the least cultivated parts of this island. The salting of mutton is a miserable expedient, which has every where been long disused. From this circumstance,

N 2

C H A P. however trivial in appearance, may be drawn important inferences, with regard to the domestic œconomy and manner of life in those ages.

XIV.
1327.

THE disorders of the times, from foreign wars and intestine dissensions, but above all, the cruel famine, which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the kingdom; and no place was secure from their incursions ". They met in troops like armies, and over-ran the country. Two cardinals, themselves, the pope's legates, notwithstanding the numerous train, which attended them, were robbed, and despoiled of their goods and equipage, when they travelled on the high-way ".

AMONG the other wild fancies of the age, it was imagined, that the persons affected with leprosy, a disease at that time very common, probably from bad diet, had conspired with the Saracens to poison all the springs and fountains; and men being glad of any pretence to get rid of those who were a burthen to them, many of those unhappy people were burnt alive on this chimerical imputation. Several Jews also were punished in their persons, and their goods were confiscated on the same account ".

STOWE, in his survey of London, gives us a curious instance of the hospitality of the ancient nobility in this period: It is taken from the ac-

" Malf. p. 107. Ypod. Neust. p. 502.

" Ibid. p. 503. T. de la More, p. 594. Trivet, cont. p. 22. Murimuth, p. 51. " Ypod. Neust. p. 504.

counts of the cofferer or steward of Thomas earl of Lancaster, and contains the expences of that earl during the year 1313, which was not a year of famine. For the pantry, buttery, and kitchen, 3405 pounds. For 369 pipes of red wine, and two of white, 104 pounds, &c. The whole 7309 pounds; that is, near 22,000 pounds of our present money; and making allowance for the cheapness of commodities, near a hundred thousand pounds.

C H A P.
XIV.
1327.

I HAVE seen a French manuscript, containing accounts of some private disbursements of this king. There is an article, among others, of a crown paid to one for making the king laugh. To judge by the events of the reign, this ought not to have been an easy undertaking.

THIS king left four children, two sons and two daughters: Edward, his eldest son and successor; John, created afterwards earl of Cornwall, who died young at Perth; Jane, afterwards married to David Bruce, king of Scotland; and Eleanor, married to Reginald, count of Gueldres.

CHAP XV.

EDWARD III.

War with Scotland — Execution of the Earl of Kent — Execution of Mortimer, Earl of March — State of Scotland — War with that kingdom — King's claim to the crown of France — Preparations for war with France — War — Naval victory — Domestic disturbances — Affairs of Brittany — Renewal of the war with France — Invasion of France — Battle of Crecy — War with Scotland — Captivity of the king of Scots — Calais taken.

CHAPTER.

XV.

1327.

20th Jan.

THE violent party, which had taken arms against Edward II. and finally deposed that unfortunate monarch, deemed it requisite for their future security to pay so far an exterior obeisance to the law, as to desire a parliamentary indemnity for all their illegal proceedings; on account of the necessity, which, it was pretended, they lay under, of employing force against the Spensers and other evil counsellors, enemies of the kingdom. All the attainders also, which had passed against the earl of Lancaster and his adherents, when the chance of war turned against them, were easily reversed during the triumph of their party¹; and

¹ Rymer, vol. iv. p. 245. 257, 258, &c.

the Spensers, whose former attainder had been reversed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was likewise appointed by parliament, consisting of twelve persons; five prelates, the archbishops of Canterbury and York, the bishops of Winchester, Worcester, and Hereford; and seven lay peers, the earls of Norfolk, Kent, and Surrey, and the lords Wake, Ingham, Piercy, and Roos. The earl of Lancaster was appointed guardian and protector of the king's person. But though it was reasonable to expect, that, as the weakness of the former king had given reins to the licentiousness of the barons, great domestic tranquillity would not prevail during the present minority; the first disturbance arose from an invasion by foreign enemies.

C H A P.
XV.
1327.

THE king of Scots, declining in years and health, but retaining still that martial spirit, which had raised his nation from the lowest ebb of fortune, deemed the present opportunity favorable for infesting England. He first made an attempt on the castle of Norham, in which he was disappointed; he then collected an army of 25,000 men on the frontiers, and having given the command to the earl of Murray and lord Douglas, threatened an incursion into the northern counties. The English regency, after trying in vain every expedient to restore peace with Scotland, made vigorous preparations for war; and besides assembling an English army of near sixty thousand

War with
Scotland.

C H A P. men, they invited back John Hainault, and some
xv. foreign cavalry, whom they had dismissed, and
1327. whose discipline and arms had appeared superior to those of their own country. Young Edward himself, burning with a passion for military fame, appeared at the head of these numerous forces; and marched from Durham, the appointed place of rendezvous, in quest of the enemy, who had already broken into the frontiers, and were laying every thing waste around them.

MURRAY and Douglas were the two most celebrated warriors, bred in the long hostilities between the Scots and English; and their forces, trained in the same school, and inured to hardships, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for that desultory and destructive war, which they carried into England. Except a body of about 4000 cavalry, well armed, and fit to make a steady impression in battle, the rest of the army were light-armed troops, mounted on small horses, which found subsistence every where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage consisted of a bag of oat-meal, which, as a supply in case of necessity, each soldier carried behind him; together with a light plate of iron, on which he instantly baked the meal into a cake, in the open fields. But his chief subsistence was the cattle which he seized; and his cookery was as expedi-

tious as all his other operations. After fleaing the animal, he placed the skin, loose and hanging in the form of a bag, upon some stakes; he poured water into it, kindled a fire below, and thus made it serve as a caldron for the boiling of his victuals².

C H A P.
XV.
1327.

THE chief difficulty which Edward met with, after composing some dangerous frays, which broke out between his foreign forces and the English³, was to come up with an army so rapid in its marches, and so little incumbered in its motions. Though the flame and smoke of burning villages directed him sufficiently to the place of their encampment, he found, upon hurrying thither, that they had already dislodged; and he soon discovered, by new marks of devastation, that they had removed to some distant quarter. After harassing his army during some time in this fruitless chase, he advanced northwards, and crossed the Tyne, with a resolution of awaiting them on their return homewards, and taking vengeance for all their depredations⁴. But that whole country was already so much wasted by their frequent incursions, that it could not afford subsistence to his army; and he was obliged again to return southwards, and change his plan of operations. He had now lost all track of the enemy; and though he promised the reward of a hundred pounds a year to any one who should bring him

² Froissard, liv. iv. chap. 18.
chap. 17.

³ Ibid. liv. i.

⁴ Ibid. liv. iv. chap. 19.

C H A P. an account of their motions, he remained unac-
xv. tive some days, before he received any intelli-
1327. gence of them⁵. He found at last, that they had
 fixed their camp on the southern banks of the
 Were, as if they intended to await a battle; but
 their prudent leaders had chosen the ground with
 such judgment, that the English, on their ap-
 proach, saw it impracticable, without temerity,
 to cross the river in their front, and attack them
 in their present situation. Edward, impatient for
 revenge and glory, here sent them a defiance, and
 challenged them, if they dared, to meet him in
 an equal field, and try the fortune of arms. The
 bold spirit of Douglas could ill brook this bra-
 vado, and he advised the acceptance of the
 challenge; but he was over-ruled by Murray,
 who replied to Edward, that he never took the
 counsel of an enemy in any of his operations.
 The king, therefore, kept still his position oppo-
 site to the Scots; and daily expected, that neces-
 sity would oblige them to change their quarters,
 and give him an opportunity of overwhelming
 them with superior forces. After a few days,
 they suddenly decamped, and marched farther up
 the river; but still posted themselves in such a
 manner, as to preserve the advantage of the
 ground, if the enemy should venture to attack
 them⁶. Edward insisted, that all hazards should
 be run, rather than allow these ravagers to escape

⁵ Rymer, vol. iv. p. 312. Froissard. liv. iv. chap. 19.

⁶ Ibid.

with impunity; but Mortimer's authority prevented the attack, and opposed itself to the valor of the young monarch. While the armies lay in this position, an incident happened which had well nigh proved fatal to the English. Douglas, having gotten the word, and surveyed exactly the situation of the English camp, entered it secretly in the night-time, with a body of two hundred determined soldiers, and advanced to the royal tent, with a view of killing or carrying off the king, in the midst of his army. But some of Edward's attendants, awaking in that critical moment, made resistance; his chaplain and chamberlain sacrificed their lives for his safety; the king himself, after making a valorous defence, escaped in the dark: And Douglas, having lost the greater part of his followers, was glad to make a hasty retreat with the remainder⁷. Soon after, the Scottish army decamped without noise in the dead of night; and having thus gotten the start of the English, arrived without farther loss in their own country. Edward, on entering the place of the Scottish encampment, found only six Englishmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen⁸.

THE king was highly incensed at the disappointment, which he had met with, in his first enterprise, and at the head of so gallant an army.

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XV.

1227.

⁷ Hemingford, p. 268. Ypod. Neust. p. 509. Knyghton, p. 2552. Froissard, liv. iv. chap. 19. Ibid.

C H A P. The symptoms, which he had discovered of
XV. bravery and spirit, gave extreme satisfaction, and were regarded as sure prognostics of an illustrious reign: But the general displeasure fell violently on Mortimer, who was already the object of public odium: And every measure, which he pursued, tended to aggravate, beyond all bounds, the hatred of the nation both against him and queen Isabella.

WHEN the council of regency was formed, Mortimer, though in the plenitude of his power, had taken no care to ensure a place in it; but this semblance of moderation was only a cover to the most iniquitous and most ambitious projects. He rendered that council entirely useless by usurping to himself the whole sovereign authority; he settled on the queen-dowager the greater part of the royal revenues; he never consulted either the princes of the blood, or the nobility in any public measure; the king himself was so besieged by his creatures, that no access could be procured to him; and all the envy, which had attended Gavaston and Spenser, fell much more deservedly on the new favorite.

1328. MORTIMER, sensible of the growing hatred of the people, thought it requisite, on any terms, to secure peace abroad; and he entered into a negotiation with Robert Bruce for that purpose. As the claim of superiority in England, more than any other cause, had tended to inflame the animosities between the two nations, Mortimer, besides stipulating a marriage between Jane, sister;

of Edward, and David, the son and heir of Robert, consented to resign absolutely this claim, to give up all the homages done by the Scottish parliament and nobility, and to acknowledge Robert as independent sovereign of Scotland⁹. In return for these advantages, Robert stipulated the payment of 30,000 marks to England. This treaty was ratified by parliament¹⁰, but was nevertheless the source of great discontent among the people, who, having entered zealously into the pretensions of Edward I. and deeming themselves disgraced by the successful resistance made by so inferior a nation, were disappointed by this treaty, in all future hopes both of conquest and of vengeance.

C H A P.

XV.

1328.

THE princes of the blood, Kent, Norfolk, and Lancaster, were much united in their councils; and Mortimer entertained great suspicions of their designs against him. In summoning them to parliament, he strictly prohibited them, in the king's name, from coming attended by an armed force, an illegal but usual practice in that age. The three earls, as they approached to Salisbury, the place appointed for the meeting of parliament, found, that, though they themselves, in obedience to the king's command, had brought only their usual retinue with them, Mortimer and his party were attended by all their followers in arms; and they began with some reason to apprehend a dangerous

⁹ Rymer, p. 337. Heming. p. 270. Anon. Hist. p. 392.

¹⁰ Ypod. Neust. p. 510.

O H A P. design against their persons. They retreated, assembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakness of Kent and Norfolk, who deserted the common cause, obliged Lancaster also to make his submissions ¹¹. The quarrel, by the interposition of the prelates, seemed for the present to be appeased.

1329. BUT Mortimer, in order to intimidate the princes, determined to have a victim; and the simplicity, with the good intentions of the earl of Kent, afforded him soon after an opportunity of practising upon him. By himself and his emissaries, he endeavoured to persuade that prince, that his brother, king Edward, was still alive, and detained in some secret prison in England. The earl, whose remorse for the part which he had acted against the late king, probably inclined him to give credit to this intelligence, entered into a design of restoring him to liberty, of re-instating him on the throne, and of making thereby some atonement for the injuries which he himself had unwarily done him ¹². After this harmless contrivance had been allowed to proceed a certain length, the earl was seized by Mortimer, was accused before the parliament, and condemned by those slavish, though turbulent barons, to lose his life and fortune. The queen and Mortimer, apprehensive of young Edward's lenity towards

1330.
9th March.
Execution
of the earl
of Kent.

¹¹ Knyghton, p. 2554.
Hist. p. 395.

¹² Avesbury, p. 8. Anon.

his uncle, hurried on the execution, and the prisoner was beheaded next day: But so general was the affection borne him, and such pity prevailed for his unhappy fate, that, though peers had been easily found to condemn him, it was evening before his enemies could find an executioner to perform the office¹¹.

C H A P.

XV.

1330.

THE earl of Lancaster, on pretence of his having assented to this conspiracy, was soon after thrown into prison: Many of the prelates and nobility were prosecuted: Mortimer employed this engine to crush all his enemies, and to enrich himself and his family by the forfeitures. The estate of the earl of Kent was seized for his younger son, Geoffrey: The immense fortunes of the Spensers and their adherents were mostly converted to his own use: He affected a state and dignity equal or superior to the royal: His power became formidable to every one: His illegal practices were daily complained of: And all parties, forgetting past animosities, conspired in their hatred of Mortimer.

It was impossible, that these abuses could long escape the observation of a prince, endowed with so much spirit and judgment as young Edward, who, being now in his eighteenth year, and feeling himself capable of governing, repined at being held in fetters by this insolent minister. But so much was he surrounded by the emissaries of

¹¹ Heming. p. 271. Ypod. Neust. p. 510. Knyghton, p. 2555.

- O H A P. Mortimer, that it behoved him to conduct the
 XV. project for subverting him, with the same secrecy
 1230. and precaution, as if he had been forming a conspiracy against his sovereign. He communicated his intentions to lord Mountacute, who engaged the lords Molins and Clifford, Sir John Nevil of Hornby, Sir Edward Bohun, Ufford, and others, to enter into their views; and the castle of Nottingham was chosen for the scene of the enterprise. The queen-dowager and Mortimer lodged in that fortress: The king also was admitted, though with a few only of his attendants: And as the castle was strictly guarded, the gates locked every evening, and the keys carried to the queen, it became necessary to communicate the design to Sir William Eland, the governor, who zealously took part in it. By his direction, the king's associates were admitted through a subterraneous passage, which had formerly been contrived for a secret outlet from the castle, but was now buried in rubbish; and Mortimer, without having it in his power to make resistance, was suddenly seized in an apartment adjoining to the queen's¹⁴. A parliament was immediately summoned for his condemnation. He was accused before that assembly of having usurped regal power from the council of regency, appointed by parliament; of having procured the death of the late king; of having deceived the earl of Kent into a conspiracy to restore that prince; of having soli-

¹⁴ Avesbury, p. 9.

cited

cited and obtained exorbitant grants of the royal demesnes; of having dissipated the public treasure; of secreting 20,000 marks of the money paid by the king of Scotland; and of other crimes and misdemeanors¹⁵. The parliament condemned him, from the supposed notoriety of the facts, without trial, or hearing his answer, or examining a witness; and he was hanged on a gibbet at the Elmes, in the neighbourhood of London. It is remarkable, that this sentence was near twenty years after reversed by parliament, in favor of Mortimer's son; and the reason assigned was the illegal manner of proceeding¹⁶. The principles of law and justice were established in England, not in such a degree as to prevent any iniquitous sentence against a person obnoxious to the ruling party; but sufficient, on the return of his credit, or that of his friends, to serve as a reason or pretence for its reversal.

C H A P.
XV.
1331.
Execution
of Mortimer.
29th Nov.

JUSTICE was also executed by a sentence of the house of peers, on some of the inferior criminals, particularly on Simon de Bereford: But the Barons, in that act of jurisdiction, entered a protest, that though they had tried Bereford, who was none of their peers, they should not for the future be obliged to receive any such indictment. The queen was confined to her own house at Risings near London: Her revenue was

¹⁵ Brady's App. N°. 83. Anon. Hist. p. 397, 398. Knyghton, p. 2556. ¹⁶ Cotton's Abridg. p. 85, 86.

CHAP. reduced to 4000 pounds a year¹⁷: And though
 XV. the king, during the remainder of her life, paid
 1331. her a decent visit once or twice a year, she never
 was able to reinstate herself in any credit or au-
 thority.

EDWARD, having now taken the reins of go-
 vernment into his own hands, applied himself,
 with industry and judgment, to redress all those
 grievances, which had proceeded either from
 want of authority in the crown, or from the late
 abuses of it. He issued writs to the judges, en-
 joining them to administer justice, without pay-
 ing any regard to arbitrary orders from the mi-
 nisters: And as the robbers, thieves, murderers,
 and criminals of all kinds, had, during the
 course of public convulsions, multiplied to an
 enormous degree, and were openly protected by
 the great barons, who made use of them against
 their enemies, the king, after exacting from the
 peers a solemn promise in parliament, that they
 would break off all connexions with such male-
 factors¹⁸, set himself in earnest to remedy the
 evil. Many of these gangs had become so nu-
 merous, as to require his own presence to disperse
 them; and he exerted both courage and industry
 in executing this salutary office. The ministers
 of justice, from his example, employed the ut-
 most diligence in discovering, pursuing, and pu-
 nishing the criminals; and this disorder was by
 degrees corrected, at least palliated; the utmost

¹⁷ Cotton's Abridg. p. 10.

¹⁸ Ibid.

that could be expected with regard to a disease, C H A P.
hitherto inherent in the constitution.

XV.

1334.

IN proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious spirit of Edward fought, and soon found, an opportunity of exerting itself. The wise and valiant Robert Bruce, who had recovered by arms the independence of his country, and had fixed it by the last treaty of peace with England, soon after died, and left David his son, a minor, under the guardianship of Randolph, earl of Murray, the companion of all his victories. It had been stipulated in this treaty, that both the Scottish nobility, who, before the commencement of the wars, enjoyed lands in England, and the English who inherited estates in Scotland, should be restored to their respective possessions¹⁹. But though this article had been executed pretty regularly on the part of Edward, Robert, who observed that the estates, claimed by Englishmen, were much more numerous and valuable than the others, either thought it dangerous to admit so many secret enemies into the kingdom, or found it difficult to wrest from his own followers the possessions bestowed on them as the reward of former services: And he had protracted the performance of his part of the stipulation. The English nobles, disappointed in their expectations, began to think of a remedy; and as their in-

State of
Scotland.

¹⁹ Rymer, vol. iv. p. 384.

C H A P. fluence was great in the north, their enmity alone,
XV. even though unsupported by the king of England, became dangerous to the minor prince, who succeeded to the Scottish throne.

1332. EDWARD BALIOL, the son of that John, who was crowned king of Scotland, had been detained some time a prisoner in England after his father was released; but having also obtained his liberty, he went over to France, and resided in Normandy, on his patrimonial estate in that country, without any thoughts of reviving the claims of his family to the crown of Scotland. His pretensions, however plausible, had been so strenuously abjured by the Scots, and rejected by the English, that he was universally regarded as a private person; and he had been thrown into prison on account of some private offence, of which he was accused. Lord Beaumont, a great English baron, who, in the right of his wife, claimed the earldom of Buchan in Scotland²⁰, found him in this situation; and deeming him a proper instrument for his purpose, made such interest with the king of France, who was not aware of the consequences, that he recovered him his liberty, and brought him over with him to England.

THE injured nobles, possessed of such a head, began to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and assistance. But there were several

²⁰ Rymer, vol. iv. p. 251.

reasons, which deterred the king from openly avowing their enterprize. In his treaty with Scotland, he had entered into a bond of 20,000 pounds, payable to the pope, if within four years he violated the peace; and as the term was not yet elapsed, he dreaded the exacting of that penalty by the sovereign pontiff, who possessed so many means of forcing princes to make payment. He was also afraid, that violence and injustice would every where be imputed to him, if he attacked with superior force a minor king, and a brother-in-law, whose independent title had so lately been acknowledged by a solemn treaty. And as the regent of Scotland, on every demand which had been made of restitution to the English barons, had always confessed the justice of their claim, and had only given an evasive answer, grounded on plausible pretences, Edward resolved not to proceed by open violence, but to employ like artifices against him. He secretly encouraged Baliol in his enterprize; connived at his assembling forces in the north; and gave countenance to the nobles, who were disposed to join in the attempt. A force of near 2500 men was enlisted under Baliol, by Umfreville earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. As these adventurers apprehended, that the frontiers would be strongly armed and guarded, they resolved to make their attack by sea; and having embarked at Ravenspur, they reached in a few days the coast of Fife.

C H A P.
XV.
1332

C H A P. SCOTLAND was at that time in a very different
 xv. situation from that in which it had appeared
 1332. under the victorious Robert. Besides the loss of
 that great monarch, whose genius and authority
 preserved entire the whole political fabric, and
 maintained an union among the unruly barons,
 Lord Douglas, impatient of rest, had gone over
 to Spain in a crusade against the Moors, and had
 there perished in battle¹¹: The earl of Murray,
 who had long been declining through age and
 infirmities, had lately died, and had been suc-
 ceeded in the regency by Donald earl of Marre,
 a man of much inferior talents: The military
 spirit of the Scots, though still unbroken, was
 left without a proper guidance and direction:
 And a minor king seemed ill qualified to defend
 an inheritance, which it had required all the con-
 summate valor and abilities of his father to ac-
 quire and maintain. But as the Scots were ap-
 prized of the intended invasion, great numbers,
 on the appearance of the English fleet, immedi-
 ately ran to the shore, in order to prevent the
 landing of the enemy. Baliol had valor and ac-
 tivity, and he drove back the Scots with consid-
 erable loss¹². He marched westward into the heart
 of the country; flattering himself that the ancient
 partisans of his family would declare for him.
 But the fierce animosities, which had been kin-
 dled between the two nations, inspiring the Scots

¹¹ Froissard, lib. 1. chap. 21. ¹² Heming. p. 272.
 Walling. p. 131. Knyghton, p. 2560.

with a strong prejudice against a prince supported by the English; he was regarded as a common enemy; and the regent found no difficulty in assembling a great army to oppose him. It is pretended, that Marre had no less than 40,000 men under his banners; but the same hurry and impatience, that made him collect a force, which from its greatness was so disproportioned to the occasion, rendered all his motions unskilful and imprudent. The river Erne ran between the two armies; and the Scots, confiding in that security, as well as in their great superiority of numbers, kept no order in their encampment. Baliol passed the river in the night-time; attacked the unguarded and undisciplined Scots; threw them into confusion; which was increased by the darkness and by their very numbers to which they trusted; and he beat them off the field with great slaughter". But in the morning, when the Scots were at some distance, they were ashamed of having yielded the victory to so weak a foe, and they hurried back to recover the honor of the day. Their eager passions urged them precipitately to battle, without regard to some broken ground, which lay between them and the enemy, and which disordered and confounded their ranks. Baliol seized the favorable opportunity, advanced his troops upon them, prevented them from rallying, and anew chased them off the field with redoubled slaughter. There fell

C H A P.
XV.
1332-

11th Aug

" Knyghton, 2561.

C H A P. above 12,000 Scots in this action; and among
 XV. these the flower of their nobility; the regent
 1332. himself, the earl of Carric, a natural son of their
 late king, the earls of Athole and Monteith,
 lord Hay of Errol, constable, and the lords Keith
 and Lindsey. The loss of the English scarcely
 exceeded thirty men; a strong proof, among
 many others, of the miserable state of military
 discipline in those ages²⁴.

BALIOI soon after made himself master of Perth;
 but still was not able to bring over any of the
 Scots to his party. Patric Dunbar, earl of March,
 and Sir Archibald Douglas, brother to the lord
 of that name, appeared at the head of the Scot-
 tish armies, which amounted still to near 40,000
 men; and they purposed to reduce Baliol and the
 English by famine. They blockaded Perth by
 land; they collected some vessels with which they
 invested it by water; But Baliol's ships, attacking
 the Scottish fleet, gained a complete victory;
 and opened the communication between Perth
 and the sea²⁵. The Scotch armies were then ob-
 liged to disband for want of pay and subsistence:
 The nation was in effect subdued by a handful
 of men: Each nobleman, who found himself most
 exposed to danger, successively submitted to Ba-
 liol: That prince was crowned at Scone: David,
 his competitor, was sent over to France with his
 betrothed wife, Jane, sister to Edward: And the

27th Sept.

²⁴ Heming. p. 273. Walsing. p. 131. Knyghton, p. 2561.

²⁵ Ibid. Heming. p. 273.

heads of his party sued to Baliol for a truce, which he granted them, in order to assemble a parliament in tranquillity, and have his title recognized by the whole Scottish nation.

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BUT Baliol's imprudence or his necessities making him dismiss the greater part of his English followers, he was, notwithstanding the truce, attacked of a sudden near Annan by Sir Archibald Douglas, and other chieftains of that party; he was routed; his brother John Baliol was slain; he himself was chased into England in a miserable condition; and thus lost his kingdom by a revolution as sudden as that by which he had acquired it.

WHILE Baliol enjoyed his short-lived and precarious royalty, he had been sensible, that, without the protection of England, it would be impossible for him to maintain possession of the throne; and he had secretly sent a message to Edward, offering to acknowledge his superiority, to renew the homage for his crown, and to espouse the princess Jane, if the pope's consent could be obtained, for dissolving her former marriage, which was not yet consummated. Edward, ambitious of recovering that important concession, made by Mortimer during his minority, threw off all scruples, and willingly accepted the offer; but as the dethroning of Baliol had rendered this stipulation of no effect, the king prepared to re-instate him in possession of the crown; an enterprise, which appeared from late experience so easy and so little hazardous. As he possessed

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Scotland.

C H A P. many popular arts, he consulted his parliament
 xv. on the occasion; but that assembly, finding the
 1333. resolution already taken, declined giving any
 opinion, and only granted him, in order to support the enterprise, an aid of a fifteenth, from the personal estates of the nobility and gentry, and a tenth of the moveables of boroughs. And they added a petition, that the king would thenceforth live on his own revenue, without grieving his subjects by illegal taxes, or by the outrageous seizure of their goods in the shape of purveyance ²⁶.

As the Scots expected, that the chief brunt of the war would fall upon Berwic, Douglas, the regent, threw a strong garrison into that place under the command of Sir William Keith, and he himself assembled a great army on the frontiers, ready to penetrate into England, as soon as Edward should have invested that place. The English army was less numerous, but better supplied with arms and provisions, and retained in stricter discipline; and the king, notwithstanding the valiant defence made by Keith, had in two months reduced the garrison to extremities, and had obliged them to capitulate: They engaged to surrender, if they were not relieved within a few days by their countrymen ²⁷. This intelligence, being conveyed to the Scottish army, which was preparing to invade Northumberland, changed

²⁶ Cotton's Abridg.
 565, 566.

²⁷ Rymer, vol. iv. p. 564,

their plan of operations, and engaged them to advance towards Berwic, and attempt the relief of that important fortress. Douglas, who had ever purposed to decline a pitched battle, in which he was sensible of the enemy's superiority, and who intended to have drawn out the war by small skirmishes, and by mutually ravaging each other's country, was forced, by the impatience of his troops, to put the fate of the kingdom upon the event of one day. He attacked the English at Halidown-hill, a little north of Berwic; and though his heavy-armed cavalry dismounted, in order to render the action more steady and desperate, they were received with such valor by Edward, and were so galled by the English archers, that they were soon thrown into disorder, and on the fall of Douglas, their general, were totally routed. The whole army fled in confusion, and the English, but much more the Irish, gave little quarter in the pursuit: All the nobles of chief distinction were either slain or taken prisoners: Near thirty thousand of the Scots fell in the action: While the loss of the English amounted only to one knight, one esquire, and thirteen private soldiers: An inequality almost incredible ²⁸.

AFTER this fatal blow, the Scottish nobles had no other resource than instant submission; and Edward, leaving a considerable body with

²⁸ Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p. 115.

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1333.

19th July.

C H A P. XV. Baliol to complete the conquest of the kingdom, returned with the remainder of his army to England. Baliol was acknowledged king by a parliament assembled at Edinburgh²²; the superiority of England was again recognized; many of the Scottish nobility swore fealty to Edward; and to complete the misfortunes of that nation, Baliol ceded Berwic, Dunbar, Roxborough, Edinburgh, and all the south-east counties of Scotland, which were declared to be for ever annexed to the English monarchy²³.

1334. If Baliol, on his first appearance, was dreaded by the Scots, as an instrument employed by England for the subjection of the kingdom, this deed confirmed all their suspicions, and rendered him the object of universal hatred. Whatever submissions they might be obliged to make, they considered him, not as their prince, but as the delegate and confederate of their determined enemy: And neither the manners of the age, nor the state of Edward's revenue permitting him to maintain a standing army in Scotland, the English forces were no sooner withdrawn, than the Scots revolted from Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with success his valor and activity in many small but decisive actions against Baliol; and in a short time had almost wholly expelled him the kingdom. Edward was

²² Rymer, vol. iv. p. 590.

²³ Ibid. p. 614.

obliged again to assemble an army and to march C H A P. XV.
 into Scotland: The Scots, taught by experience,
 withdrew into their hills and fastnesses: He destroyed the houses and ravaged the estates of those whom he called rebels: But this confirmed them still farther in their obstinate antipathy to England and to Baliol; and being now rendered desperate, they were ready to take advantage, on the first opportunity, of the retreat of their enemy, and they soon re-conquered their country from the English. Edward made anew his appearance in Scotland with like success: He found every thing hostile in the kingdom, except the spot on which he was encamped: And though he marched uncontrouled over the low countries, the nation itself was farther than ever from being broken and subdued. Besides being supported by their pride and anger, passions difficult to tame, they were encouraged, amidst all their calamities, by daily promises of relief from France; and as a war was now likely to break out between that kingdom and England, they had reason to expect from this incident a great diversion of that force, which had so long oppressed and overwhelmed them.

WE now come to a transaction, on which 1337.
 depended the most memorable events, not only King's claim to the crown of France.
 of this long and active reign, but of the whole
 English and French history, during more than a
 century; and it will therefore be necessary to give
 a particular account of the springs and causes
 of it.

C H A P. IT had long been a prevailing opinion, that
 xv. the crown of France could never descend to a
 4337. female; and in order to give more authority to
 this maxim, and assign it a determinate origin,
 it had been usual to derive it from a clause in the
 Salian Code, the law of an ancient tribe among
 the Franks: though that clause, when strictly
 examined, carries only the appearance of favor-
 ing this principle, and does not really, by the
 confession of the best antiquaries, bear the sense
 commonly imposed upon it. But though positive
 law seems wanting among the French for the
 exclusion of females, the practice had taken place;
 and the rule was established beyond controversy
 on some ancient as well as some modern prece-
 dents. During the first race of the monarchy, the
 Franks were so rude and barbarous a people,
 that they were incapable of submitting to a
 female reign; and in that period of their history
 there were frequent instances of kings advanced
 to royalty in prejudice of females, who were
 related to the crown by nearer degrees of consan-
 guinity. These precedents, joined to like causes,
 had also established the male succession in the
 second race; and though the instances were
 neither so frequent nor so certain during that
 period, the principle of excluding the female line
 seems still to have prevailed, and to have directed
 the conduct of the nation. During the third race,
 the crown had descended from father to son for
 eleven generations, from Hugh Capet to Lewis
 Hutin; and thus, in fact, during the course of

nine hundred years, the French monarchy had always been governed by males, and no female and none who founded his title on a female had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three sons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Isabella, queen of England. Lewis Hutin, the eldest, left at his death one daughter, by Margaret sister to Eudes, duke of Burgundy; and as his queen was then pregnant, Philip, his younger brother, was appointed regent, till it should appear whether the child proved a son or a daughter. The queen bore a male, who lived only a few days: Philip was proclaimed king: And as the duke of Burgundy made some opposition, and asserted the rights of his niece, the states of the kingdom, by a solemn and deliberate decree, gave her an exclusion, and declared all females for ever incapable of succeeding to the crown of France. Philip died after a short reign, leaving three daughters; and his brother, Charles, without dispute or controversy, then succeeded to the crown. The reign of Charles was also short: He left one daughter; but as his queen was pregnant, the next male heir was appointed regent, with a declared right of succession, if the issue should prove female. This prince was Philip de Valois, cousin German to the deceased king; being the son of Charles de Valois, brother of Philip the Fair. The queen of France was delivered of a daughter: The

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C H A P. regency ended; and Philip de Valois was unanimously placed on the throne of France.

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THE king of England, who was at that time a youth of fifteen years of age, embraced a notion, that he was entitled, in right of his mother, to the succession of the kingdom, and that the claim of the nephew was preferable to that of the cousin german. There could not well be imagined a notion weaker or worse grounded. The principle of excluding females was of old an established opinion in France, and had acquired equal authority with the most express and positive law: It was supported by ancient precedents: It was confirmed by recent instances, solemnly and deliberately decided: And what placed it still farther beyond controversy; if Edward was disposed to question its validity, he thereby cut off his own pretensions; since the three last kings had all left daughters, who were still alive, and who stood before him in the order of succession. He was therefore reduced to assert, that, though his mother, Isabella, was, on account of her sex, incapable of succeeding, he himself, who inherited through her, was liable to no such objection, and might claim by the right of propinquity. But, besides that this pretension was more favorable to Charles, king of Navarre, descended from the daughter of Lewis Hutin, it was so contrary to the established principles of succession in every country of Europe¹¹, was

¹¹ Froissard, liv. 1. chap. 4.

so repugnant to the practice both in private and public inheritances, that no body in France thought of Edward's claim: Philip's title was universally recognized¹²: And he never imagined, that he had a competitor; much less, so formidable a one as the king of England.

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BUT though the youthful and ambitious mind of Edward had rashly entertained this notion, he did not think proper to insist on his pretensions, which must have immediately involved him, on very unequal terms, in a dangerous and implacable war with so powerful a monarch. Philip was a prince of mature years, of great experience, and at that time of an established character both for prudence and valor; and by these circumstances; as well as by the internal union of his people, and their acquiescence in his undoubted right, he possessed every advantage above a raw youth, newly raised, by injustice and violence, to the government of the most intractable and most turbulent subjects in Europe. But there immediately occurred an incident, which required, that Edward should either openly declare his pretensions, or for ever renounce and abjure them. He was summoned to do homage for Guienne: Philip was preparing to compel him by force of arms: That country was in a very bad state of defence: And the forfeiture of so rich an inheritance was, by the feudal law, the immediate consequence of his refusing or declining

¹² Froissard, liv. i. chap. 22.

C H A P. to perform the duty of a vassal. Edward therefore
XV. thought it prudent to submit to present necessity :
1137. He went over to Amiens: Did homage to Philip:
 And as there had arisen some controversy concerning the terms of this submission, he afterwards sent over a formal deed, in which he acknowledged that he owed liege homage to France"; which was in effect ratifying, and that in the strongest terms, Philip's title to the crown of that kingdom. His own claim indeed was so unreasonable, and so thoroughly disavowed by the whole French nation, that to insist on it was no better than pretending to the violent conquest of the kingdom; and it is probable that he would never have farther thought of it, had it not been for some incidents, which excited an animosity between the monarchs.

ROBERT of Artois was descended from the blood royal of France, was a man of great character and authority, had espoused Philip's sister, and by his birth, talents, and credit was entitled to make the highest figure, and fill the most important offices, in the monarchy. This prince had lost the county of Artois, which he claimed as his birthright, by a sentence, commonly deemed iniquitous, of Philip the Fair; and he was seduced to attempt recovering possession by an action, so unworthy of his rank and

" Rymer, vol. iv. p. 477. 481. Froissard, liv. i. chap. 25. Anon. Hist. p. 394. Walling. p. 130. Murimuth, p. 73.

character as a forgery ". The detection of this crime covered him with shame and confusion. His brother-in-law not only abandoned him, but prosecuted him with violence: Robert, incapable of bearing disgrace, left the kingdom, and hid himself in the Low Countries: Chafed from that retreat, by the authority of Philip, he came over to England; in spite of the French king's menaces and remonstrances; he was favorably received by Edward "; and was soon admitted into the councils and shared the confidence of that monarch. Abandoning himself to all the movements of rage and despair, he endeavoured to revive the prepossession entertained by Edward in favor of his title to the crown of France, and even flattered him, that it was not impossible for a prince of his valor and abilities, to render his claim effectual. The king was the more disposed to hearken to suggestions of this nature, because he had, in several particulars, found reason to complain of Philip's conduct with regard to Guienne, and because that prince had both given protection to the exiled David Bruce, and supported, at least encouraged the Scots in their struggles for independence. Thus resentment gradually filled the breasts of both monarchs, and made them incapable of hearkening to any terms of accommodation, proposed by the pope, who never ceased interposing his good offices between them, Philip

" Froissard, liv. 1. chap. 29.
Rymer, vol. iv. p. 747.

" Ibid. chap. 27.

H. A. P. thought, that he should be wanting to the first
 XV. principles of policy, if he abandoned Scotland :
 1537. Edward affirmed, that he must relinquish all pre-
 tensions to generosity, if he withdrew his protection
 from Robert. The former, informed of some pre-
 parations for hostilities, which had been made by
 his rival, issued a sentence of felony and attainder
 against Robert, and declared, that every vassal
 of the crown, whether *within* or *without* the
 kingdom, who gave countenance to that traitor,
 would be involved in the same sentence; a menace
 easy to be understood: The latter, resolute not
 to yield, endeavoured to form alliances in the
 Low Countries and on the frontiers of Germany,
 the only places from which he either could make
 an effectual attack upon France, or produce such
 a diversion as might save the province of Guienne,
 which lay so much exposed to the power of
 Philip.

Prepara-
 tions for
 war with
 France.

THE king began with opening his intentions
 to the count of Hainault, his father-in-law; and
 having engaged him in his interests, he employed
 the good offices and councils of that prince in
 drawing into his alliance the other sovereigns of
 that neighbourhood. The duke of Brabant was
 induced, by his mediation, and by large remit-
 tances of money from England, to promise his
 concurrence³⁶: The archbishop of Cologne, the
 duke of Gueldres, the marquis of Juliers, the
 count of Namur, the lords of Fauquemont and

³⁶ Rymer, vol. iv. p. 777.

Baquéen, were engaged by like motives to embrace the English alliance". These sovereign princes could supply, either from their own states or from the bordering countries, great numbers of warlike troops; and naught was wanting to make the force on that quarter very formidable but the accession of Flanders; which Edward procured by means somewhat extraordinary and unusual.

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As the Flemings were the first people in the northern parts of Europe, that cultivated arts and manufactures, the lower ranks of men among them had risen to a degree of opulence unknown elsewhere to those of their station in that barbarous age; had acquired privileges and independence; and began to emerge from that state of vassalage, or rather of slavery, into which the common people had been universally thrown by the feudal institutions. It was probably difficult for them to bring their sovereign and their nobility to conform themselves to the principles of law and civil government, so much neglected in every other country: It was impossible for them to confine themselves within the proper bounds in their opposition and resentment against any instance of tyranny: They had risen in tumults: Had insulted the nobles: Had chased their earl into France: And delivering themselves over to the guidance of a seditious leader, had been guilty of all that insolence and disorder, to which the thoughtless and enraged populace are so much

" Froissard, liv. 4. chap. 29. 33. 34.

C H A P. inclined, wherever they are unfortunate enough to be their own masters¹⁸.

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THEIR present leader was James d'Arteville, a brewer in Ghent, who governed them with a more absolute sway than had ever been assumed by any of their lawful sovereigns: He placed and displaced the magistrates at pleasure: He was accompanied by a guard, who, on the least signal from him, instantly assassinated any man that happened to fall under his displeasure: All the cities of Flanders were full of his spies; and it was immediate death to give him the smallest umbrage: The few nobles, who remained in the country, lived in continual terror from his violence: He seized the estates of all those whom he had either banished or murdered; and bestowing a part on their wives and children, converted the remainder to his own use¹⁹. Such were the first effects, that Europe saw, of popular violence; after having groaned, during so many ages, under monarchical and aristocratical tyranny.

JAMES D'ARTEVILLE was the man, to whom Edward addressed himself for bringing over the Flemings to his interests; and that prince, the most haughty and most aspiring of the age, never courted any ally with so much assiduity and so many submissions, as he employed towards this seditious and criminal tradesman. D'Arteville, proud of these advances from the king of England, and sensible that the Flemings were naturally inclined

¹⁸ Meyerus. Froissard, liv. 1. chap. 30.

¹⁹ Ibid.

to maintain connexions with the English, who furnished them the materials of their woollen manufactures, the chief source of their opulence, readily embraced the interests of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterprize, affected to consult his parliament, asked their advice, and obtained their consent¹¹. And the more to strengthen his hands, he procured from them a grant of 20,000 sacks of wool; which might amount to about a hundred thousand pounds: This commodity was a good instrument to employ with the Flemings; and the price of it with his German allies. He completed the other necessary sums by loans, by pawning the crown jewels, by confiscating or rather robbing at once all the Lombards, who now exercised the invidious trade, formerly monopolized by the Jews, of lending on interest¹²; and being attended by a body of English forces, and by several of his nobility, he sailed over to Flanders.

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THE German princes, in order to justify their unprovoked hostilities against France, had required the sanction of some legal authority; and Edward, that he might give them satisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him *vicar of the empire*; an empty title, but which seemed to give him a right of commanding the service of the princes

1338.

¹¹ Cotton's Abridg.
146.

¹² Dugd. Baron. vol. ii. p.

§ H A P. of Germany ²². The Flemings, who were vassals
 47. of France, pretending like scruples with regard
 1339 to the invasion of their liege lord; Edward, by
 the advice of d'Arteville, assumed, in his commis-
 sions, the title of king of France, and; in virtue
 of this right, claimed their assistance for dethron-
 ing Philip de Valois, the usurper of his kingdom ²³.
 This step, which, he feared, would destroy all
 future amity between the kingdoms, and beget
 endless and implacable jealousies in France, was
 not taken by him without much reluctance and
 hesitation: And not being in itself very justifi-
 able, it has in the issue been attended with many
 miseries to both kingdoms. From this period we
 may date the commencement of that great animos-
 ity, which the English nation have ever since
 born to the French, which has so visible an
 influence on all future transactions, and which
 has been, and continues to be the spring of
 many rash and precipitate resolutions among
 them. In all the preceding reigns since the con-
 quest, the hostilities between the two crowns had
 been only casual and temporary; and as they
 had never been attended with any bloody or
 dangerous event, the traces of them were easily
 obliterated by the first treaty of pacification. The
 English nobility and gentry valued themselves on
 their French or Norman extraction; They affected
 to employ the language of that country in all

²² Froissard, liv. 1. chap. 35.
 Walsingham, p. 143,

²³ Heming. p. 393.

public transactions, and even in familiar conversation: And both the English court and camp being always full of nobles, who came from different provinces of France, the two people were, during some centuries, more intermingled together than any two distinct nations, whom we meet with in history. But the fatal pretensions of Edward III. dissolved all these connexions, and left the seeds of great animosity in both countries, especially among the English. For it is remarkable, that this latter nation, though they were commonly the aggressors, and by their success and situation were enabled to commit the most cruel injuries on the other, have always retained a stronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been successively engaged in hostilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of softer manners, they never rose to a great height against any particular nation.

PHILIP made great preparations against the attack from the English, and such as seemed more than sufficient to secure him from the danger. Besides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and more powerful than those which were formed by his antagonist. The pope, who, at this time; lived in Avignon, was dependent on France, and

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- e H A P. being disgusted at the connexions between Edward
 xv. and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and sincerity the cause of the French monarch. The king of Navarre, the duke of Brittany, the count of Bar, were in the same interests; and on the side of Germany, the king of Bohemia, the Palatine, the dukes of Lorraine and Austria, the bishop of Liege, the counts of Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themselves weaker; and having no object, but his money, which began to be exhausted, they were slow in their motions and irresolute in their measures. The duke of Brabant, the most powerful among them, seemed even inclined to withdraw himself wholly from the alliance; and the king was necessitated, both to give the Brabanters new privileges in trade, and to contract his son Edward with the daughter of that prince, ere he could bring him to fulfil his engagements. The summer was wasted in conferences and negociations before Edward could take the field; and he was obliged, in order to allure his German allies into his measures, to pretend that the first attack should be made upon Cambray, a city of the empire which had been garrisoned by Philip *. But finding, upon trial, the difficulty of the enterprize, he conducted them towards the frontiers of France; and he there saw, by a sensible proof, the vanity of his expectations: The count of Namur, and

1339.

* Heming. p. 305. Froissard, liv. 1. chap. 39.

even the count of Hainault, his brother-in-law, C H A P. XV. 1339. (for the old count was dead) refused to commence hostilities against their liege lord, and retired with their troops ". So little account did they make of Edward's pretensions to the crown of France!

THE king, however, entered the enemy's War with France. country, and encamped on the fields of Vironfosse near Capelle, with an army of near 50,000 men, composed almost entirely of foreigners: Philip approached him with an army of near double the force, composed chiefly of native subjects; and it was daily expected that a battle would ensue. But the English monarch was averse to engage against so great a superiority: The French thought it sufficient if he eluded the attacks of his enemy, without running any unnecessary hazard. The two armies faced each other for some days: Mutual defiances were sent; And Edward, at last, retired into Flanders, and disbanded his army ".

SUCH was the fruitless and almost ridiculous conclusion of Edward's mighty preparations; and as his measures were the most prudent, that could be embraced in his situation, he might learn from experience in what a hopeless enterprise he was engaged. His expences, though they had led to no end, had been consuming and destructive: He had contracted near 300,000 pounds

" Froissard, liv. i. chap. 30. " Ibid. chap. 41, 42, 43. Heming. p. 307. Walsing. p. 143.

C H A P. of debts¹⁷; he had anticipated all his revenue:
XV. he had pawned every thing of value, which be-
1339. longed either to himself or his queen; he was
 obliged in some measure even to pawn himself to
 his creditors, by not failing to England, till he
 obtained their permission, and by promising on
 his word of honor to return in person, if he
 did not remit their money.

BUT he was a prince of too much spirit to be discouraged by the first difficulties of an undertaking; and he was anxious to retrieve his honor by more successful and more gallant enterprises. For this purpose, he had, during the course of the campaign, sent orders to summon a parliament by his son Edward, whom he had left with the title of guardian, and to demand some supply in his urgent necessities. The barons seemed inclined to grant his request; but the knights, who often, at this time, acted as a separate body from the burgeses, made some scruple of taxing their constituents, without their consent; and they desired the guardian to summon a new parliament, which might be properly empowered for that purpose. The situation of the king and parliament was, for the time, nearly similar to that which they constantly fell into about the beginning of the last century; and similar consequences began visibly to appear. The king, sensible of the frequent demands which he should be obliged to make on his people, had been anxious to ensure

¹⁷ Cotton's Abridg. p. 17.

to his friends a seat in the house of commons, and at his instigation, the sheriffs and other placemen had made interest to be elected into that assembly; an abuse which the knights desired the king to correct by the tenor of his writ of summons, and which was accordingly remedied. On the other hand, the knights had professedly annexed conditions to their intended grant, and required a considerable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the ancient feudal aids for knighting the king's eldest son, and marrying his eldest daughter. The new parliament, called by the guardian, retained the same free spirit; and though they offered a large supply of 30,000 sacks of wool, no business was concluded; because the conditions, which they annexed, appeared too high to be compensated by a temporary concession. But when Edward himself came over to England, he summoned another parliament, and he had the interest to procure a supply on more moderate terms. A confirmation of the two charters and of the privileges of boroughs, a pardon for old debts and trespasses, and a remedy for some abuses in the execution of common law, were the chief conditions insisted on; and the king, in return for his concessions on these heads, obtained from the barons and knights an unusual grant for two years of the ninth sheaf, lamb, and fleece on their estates, and from the burgesses, a ninth of their moveables at their true value. The whole parliament also granted a duty of forty

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1332.

G. H A P. shillings on each sack of wool exported, on each
 xv. three hundred wool-fells, and on each last of
 1339. leather for the same term of years; but dreading
 the arbitrary spirit of the crown, they expressly
 declared, that this grant was to continue no
 longer, and was not to be drawn into precedent.
 Being soon after sensible, that this supply, though
 considerable and very unusual in that age, would
 come in slowly, and would not answer the king's
 urgent necessities, proceeding both from his debts,
 and his preparations for war; they agreed, that
 20,000 sacks of wool should immediately be
 granted him, and their value be deducted from
 the ninths, which were afterwards to be levied.

BUT there appeared, at this time, another
 jealousy in the parliament, which was very
 reasonable, and was founded on a sentiment that
 ought to have engaged them rather to check than
 support the king in all those ambitious projects,
 so little likely to prove successful, and so dan-
 gerous to the nation, if they did. Edward,
 who, before the commencement of the former
 campaign, had, in several commissions, assumed
 the title of king of France, now more openly,
 in all public deeds, gave himself that appellation,
 and always quartered the arms of France with
 those of England in his seals and ensigns. The
 parliament thought proper to obviate the con-
 sequences of this measure, and to declare that they
 owed him no obedience as king of France, and
 that the two kingdoms must for ever remain distinct

and independent". They undoubtedly foresaw, C^H A P.
XV. that France, if subdued, would in the end prove the seat of government; and they deemed this previous protestation necessary, in order to prevent their becoming a province to that monarchy. A frail security, if the event had really taken place!

As Philip was apprized, from the preparations 1340. which were making both in England and the low Countries, that he must expect another invasion from Edward, he fitted out a great fleet of 400 vessels, manned with 40,000 men, and he stationed them off Sluise, with a view of intercepting the king in his passage. The English navy was much inferior in number, consisting only of 240 sail; Naval victory.
13th June. but whether it were by the superior abilities of Edward, or the greater dexterity of his seamen, they gained the wind of the enemy, and had the fun in their backs; and with these advantages began the action. The battle was fierce and bloody: The English archers, whose force and address were now much celebrated, galled the French on their approach: And when the Ships grappled together, and the contest became more steady and furious, the example of the king, and of so many gallant nobles, who accompanied him, animated to such a degree the seamen and soldiery, that they maintained every where a superiority over the enemy. The French also had been guilty of some imprudence in taking their station

" 14 Edward III.

C H A P. so near the coast of Flanders, and chusing that
XV. place for the scene of action. The Flemings,
1340. descrying the battle, hurried out of their harbours, and brought a reinforcement to the English; which, coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ships were taken: Thirty thousand Frenchmen were killed, with two of their admirals: The loss of the English was inconsiderable, compared to the greatness and importance of the victory". None of Philip's courtiers, it is said, dared to inform him of the event; till his fool or jester gave him a hint, by which he discovered the loss that he had sustained".

THE lustre of this great success increased the king's authority among his allies, who assembled their forces with expedition, and joined the English army. Edward marched to the frontiers of France at the head of above 100,000 men consisting chiefly of foreigners, a more numerous army than, either before or since, has ever been commanded by any king of England". At the same time, the Flemings, to the number of 50,000 men, marched out under the command of Robert of Artois, and laid siege to St. Omer; but this tumultuary army, composed entirely of tradesmen, unexperienced in war, was routed by a sally of

" Froissard, liv. i. chap. 51. Avesbury, p. 56. Heming.
 p. 321. " Walsing. p. 148.

" Rymer, vol. v. p. 197.

the

the garrison, and notwithstanding the abilities of their leader, was thrown into such a panic, that they were instantly dispersed, and never more appeared in the field. The enterprises of Edward, though not attended with so inglorious an issue, proved equally vain and fruitless. The king of France had assembled an army more numerous than the English; was accompanied by all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the kings of Bohemia, Scotland, and Navarre²²: Yet he still adhered to the prudent resolution of putting nothing to hazard, and after throwing strong garrisons into all the frontier towns, he retired backwards, persuaded, that the enemy, having wasted their force in some tedious and unsuccessful enterprise, would afford him an easy victory.

C H A P.

XV.

1340.

TOURNAY was at that time one of the most considerable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government; and as the secret of Edward's design had not been strictly kept, Philip learned, that the English, in order to gratify their Flemish allies, had intended to open the campaign with the siege of this place: He took care therefore to supply it with a garrison of 14,000 men, commanded by the bravest nobility of France; and he reasonably expected, that these forces, joined to the inhabitants, would

²² Froissard, liv. i. chap. 57.

C H A P. be able to defend the city against all the efforts of
 xv. the enemy. Accordingly, Edward, when he
 1340. commenced the siege about the end of July, found every where an obstinate resistance: The valor of one side was encountered with equal valor by the other: Every assault was repulsed and proved unsuccessful: And the king was at last obliged to turn the siege into a blockade, in hopes that the great numbers of the garrison and citizens, which had enabled them to defend themselves against his attacks, would but expose them to be the more easily reduced by famine". The count of Eu, who commanded in Tournay, as soon as he perceived that the English had formed this plan of operations, endeavoured to save his provisions, by expelling all the useless mouths; and the duke of Brabant, who wished no success to Edward's enterprises, gave every one a free passage through his quarters.

AFTER the siege had continued ten weeks, the city was reduced to distress; and Philip, recalling all his scattered garrisons, advanced towards the English camp at the head of a mighty army, with an intention of still avoiding any decisive action, but of seeking some opportunity for throwing relief into the place. Here Edward, irritated with the small progress he had hitherto made, and with the disagreeable prospect that lay before him, sent Philip a defiance by a herald; and challenged him to decide their claims for the

" Froissard, liv. i. chap. 54.

crown of France, either by single combat, or by an action of a hundred against a hundred, or by a general engagement. But Philip replied, that Edward having done homage to him for the dutchy of Guienne, and having solemnly acknowledged him for his superior, it by no means became him to send a defiance to his liege lord and soveraign: That he was confident, notwithstanding all Edward's preparations, and his conjunction with the rebellious Flemings, he himself should soon be able to chase him from the frontiers of France: That as the hostilities from England had prevented him from executing his proposed crusade against the infidels, he trusted in the assistance of the Almighty, who would reward his pious intentions, and punish the aggressor, whose ill-grounded claims had rendered them abortive: That Edward proposed a duel on very unequal terms, and offered to hazard only his own person, against both the kingdom of France, and the person of the king: But that, if he would increase the stake, and put also the kingdom of England on the issue of the duel, he would, notwithstanding that the terms would still be unequal, very willingly accept of the challenge". It was easy to see, that these mutual bravadoes were intended only to dazzle the populace, and that the two kings were too wise to think of executing their pretended purpose.

" Du Tillet, Recueil de Traitez, &c. Heming. p. 325, 326. Walsing. p. 149.

C H A P. **XV.** **1340.** WHILE the French and English armies lay in this situation, and a general action was every day expected, Jane, countess dowager of Hainault, interposed with her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any farther effusion of blood. This princess was mother-in-law to Edward, and sister to Philip; and though she had taken the vows in a convent, and had renounced the world, she left her retreat on this occasion, and employed all her pious efforts to allay those animosities, which had taken place between persons so nearly related to her, and to each other. As Philip had no material claims on his antagonist, she found that he hearkened willingly to the proposals; and even the haughty and ambitious Edward, convinced of his fruitless attempt, was not averse to her negotiation. He was sensible from experience, that he had engaged in an enterprise which far exceeded his force; and that the power of England was never likely to prevail over that of a superior kingdom, firmly united under an able and prudent monarch. He discovered, that all the allies, whom he could gain by negotiation, were at bottom averse to his enterprise; and though they might second it to a certain length, would immediately detach themselves, and oppose its final accomplishment, if ever they could be brought to think, that there was seriously any danger of it. He even saw, that their chief purpose was to obtain money from him; and as his supplies from England came

in very slowly, and had much disappointed his expectations, he perceived their growing indifference in his cause, and their desire of embracing all plausible terms of accommodation. Convinced at last, that an undertaking must be imprudent, which could only be supported by means so unequal to the end, he concluded a truce, which left both parties in possession of their present acquisitions, and stopped all farther hostilities on the side of the Low Countries, Guienne, and Scotland, till Midsummer next". A negociation was soon after opened at Arras, under the mediation of the pope's legates; and the truce was attempted to be converted into a solid peace. Edward here required, that Philip should free Guienne from all claims of superiority, and entirely withdraw his protection from Scotland: But as he seemed not any wise entitled to make such high demands, either from his past successes, or future prospects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

C H A P.
XV.
1299

3d Sept.

THE king of France soon after detached the emperor Lewis from the alliance of England, and engaged him to revoke the title of imperial vicar, which he had conferred on Edward". The king's other allies on the frontiers of France, disappointed in their hopes, gradually withdrew from the confederacy. And Edward himself, harassed by his

" Froissard, liv. i.-chap. 64. Avesbury, p. 65.

" Heming. p. 352. Ypod. Neust. p. 514. Knyghton, p. 2580.

CHAP. numerous and importunate creditors, was obliged
 XV. to make his escape by stealth into England.

2340.
 Domestic disturbances. THE unusual tax of a ninth sheaf, lamb, and
 fleece, imposed by parliament, together with the
 great want of money, and still more, of credit in
 England, had rendered the remittances to Flanders
 extremely backward; nor could it be expected,
 that any expeditious method of collecting an im-
 position, which was so new in itself, and which
 yielded only a gradual produce, could possibly be
 contrived by the king or his ministers. And though
 the parliament, foreseeing the inconvenience, had
 granted, as a present resource, 20,000 sacks of wool,
 the only English goods that bore a sure price in
 foreign markets, and were the next to ready money;
 it was impossible, but the getting possession of
 such a bulky commodity, the gathering of it
 from different parts of the kingdom, and the dis-
 posing of it abroad, must take up more time than
 the urgency of the king's affairs would permit,
 and must occasion all the disappointments com-
 plained of, during the course of the campaign.
 But though nothing had happened, which Ed-
 ward might not reasonably have foreseen, he was
 so irritated with the unfortunate issue of his mili-
 tary operations, and so much vexed and affronted
 by his foreign creditors, that he was determined
 to throw the blame somewhere off himself, and
 he came in very bad humor into England. He
 discovered his peevish disposition by the first act
 which he performed after his arrival: As he landed

unexpectedly, he found the Tower negligently guarded; and he immediately committed to prison the constable and all others who had the charge of that fortress, and he treated them with unusual rigor". His vengeance fell next on the officers of the revenue, the sheriffs, the collectors of the taxes, the undertakers of all kinds; and besides dismissing all of them from their employments, he appointed commissioners to enquire into their conduct; and these men, in order to gratify the king's humor; were sure not to find any person innocent, who came before them". Sir John St. Paul, keeper of the privy seal, Sir John Stonore, chief justice, Andrew Aubrey, mayor of London, were displaced and imprisoned; as were also the bishop of Chichester, chancellor, and the bishop of Litchfield, treasurer. Stratford, archbishop of Canterbury, to whom the charge of collecting the new taxes had been chiefly intrusted, fell likewise under the king's displeasure, but being absent at the time of Edward's arrival, he escaped feeling the immediate effects of it.

THERE were strong reasons, which might discourage the kings of England, in those ages, from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so intrenched themselves in privileges and immunities, and so openly challenged an exemption from all secular jurisdiction, that no civil

" Ypod. Neust. p. 513.
Heming. p. 326. Wallingham, p. 150.

" Avesbury, p. 70.

C H A P. XV. penalty could be inflicted on them for any malversation in office; and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for deprivation or other spiritual censures, that order of men had ensured to themselves an almost total impunity, and were not bound by any political law or statute. But, on the other hand, there were many peculiar causes which favored their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments; the prelates enjoyed equal dignity with the greatest barons, and gave weight, by their personal authority, to the powers intrusted with them: While, at the same time, they did not endanger the crown by accumulating wealth or influence in their families, and were restrained by the decency of their character, from that open rapine and violence, so often practised by the nobles. These motives had induced Edward, as well as many of his predecessors, to intrust the chief departments of government in the hands of ecclesiastics, at the hazard of seeing them disown his authority as soon as it was turned against them.

1346.

THIS was the case with archbishop Stratford. That prelate, informed of Edward's indignation against him, prepared himself for the storm; and not content with standing upon the defensive, he resolved, by beginning the attack, to show the king, that he knew the privileges of his character, and had courage to maintain them. He issued a general sentence of excommunication

against all, who, on any pretext, exercised violence on the person or goods of clergymen; who infringed those privileges secured by the great charter, and by ecclesiastical canons; or who accused a prelate of treason or any other crime, in order to bring him under the king's displeasure". Even Edward had reason to think himself struck at by this sentence; both on account of the imprisonment of the two bishops and that of other clergymen concerned in levying the taxes, and on account of his seizing their lands and moveables, that he might make them answerable for any balance, which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination against the king; and many calumnies were spread against him, in order to deprive him of the confidence and affections of his people. It was pretended, that he meant to recal the general pardon, and the remission which he had granted of old debts, and to impose new and arbitrary taxes without consent of parliament. The archbishop went so far, in a letter to the king himself, as to tell him, that there were two powers, by which the world was governed, the holy pontifical apostolic dignity, and the royal subordinate authority: That of these two powers, the clerical was evidently the supreme; since the priests were to answer, at the tribunal of the divine judgment, for the

C H A P.

XV.

1341.

" Heming. p. 339. Ang. Sacra, vol. i. p. 21, 22. Walsingham, p. 153.

C H A P. conduct of kings themselves: That the clergy
xv. were the spiritual fathers of all the faithful, and
1241. amongst others of kings and princes; and were
 entitled, by a heavenly charter, to direct their
 wills and actions, and to censure their transgres-
 sions: And that prelates had heretofore cited em-
 perors before their tribunal, had sitten in judgment
 on their life and behaviour, and had anathema-
 tized them for their obstinate offences". These
 topics were not well calculated to appease Ed-
 ward's indignation; and when he called a par-
 liament, he sent not to the primate, as to the
 other peers, a summons to attend it. Stratford
 was not discouraged at this mark of neglect or
 anger: He appeared before the gates, arrayed in
 his pontifical robes, holding the crosier in his
 hand, and accompanied by a pompous train of
 priests and prelates; and he required admittance as
 the first and highest peer in the realm. During
 two days, the king rejected his application: But
 sensible, either that this affair might be attended
 with dangerous consequences, or that in his im-
 patience he had groundlessly accused the primate
 of malversation in his office, which seems really
 to have been the case; he at last permitted him
 to take his seat, and was reconciled to him".

EDWARD now found himself in a bad situation
 both with his own people and with foreign states;
 and it required all his genius and capacity to

" *Anglia Sacra*, vol. i. p. 27.
 39, 40, 41.

" *Ibid.* p. 38,

extricate himself from such multiplied difficulties and embarrassments. His unjust and exorbitant claims on France and Scotland had engaged him in an implacable war with these two kingdoms, his nearest neighbours: He had lost almost all his foreign alliances by his irregular payments: He was deeply involved in debts, for which he owed a consuming interest: His military operations had vanished into smoke; and except his naval victory, none of them had been attended even with glory or renown, either to himself or to the nation: The animosity between him and the clergy was open and declared: The people were discontented on account of many arbitrary measures, in which he had been engaged: And what was more dangerous, the nobility, taking advantage of his present necessities, were determined to retrench his power, and by encroaching on the ancient prerogatives of the crown, to acquire to themselves independence and authority. But the aspiring genius of Edward, which had so far transported him beyond the bounds of discretion, proved at last sufficient to re-instate him in his former authority, and finally to render his reign the most triumphant that is to be met with in English story: Though for the present he was obliged, with some loss of honor, to yield to the current, which bore so strongly against him.

THE parliament framed an act, which was likely to produce considerable innovations in the government. They premised, that, whereas the great charter had, to the manifest peril and slander

C H A P.

XV.

1341.

C H A P. of the king and damage of his people, been
 xv. violated in many points, particularly by the im-
 1341. prisonment of free men and the seizure of their
 goods, without suit, indictment, or trial, it was
 necessary to confirm it anew, and to oblige all
 the chief officers of the law, together with the
 steward and chamberlain of the household, the
 keeper of the privy - seal, the controller and
 treasurer of the wardrobe, and those who were
 intrusted with the education of the young prince,
 to swear to the regular observance of it. They
 also remarked, that the peers of the realm had
 formerly been arrested and imprisoned, and dis-
 possessed of their temporalities and lands, and
 even some of them put to death, without judg-
 ment or trial, and they therefore enacted that
 such violences should henceforth cease, and no
 peer be punished but by the award of his peers
in parliament. They required, that, whenever
 any of the great offices above mentioned became
 vacant, the king should fill it by the advice of
 his council, and the consent of such barons as
 should at that time be found to reside in the
 neighbourhood of the court. And they enacted,
 that, on the third day of every session, the king
 should resume into his own hand all these offices,
 except those of justices of the two benches and
 the barons of exchequer; that the ministers should
 for the time be reduced to private persons; that
 they should in that condition answer before par-
 liament to any accusation brought against them;
 and that, if they were found any wise guilty,

they should finally be dispossessed of their offices, and more able persons be substituted in their place". By these last regulations, the barons approached as near as they durst to those restrictions, which had formerly been imposed on Henry III. and Edward II. and which, from the dangerous consequences attending them, had become so generally odious, that they did not expect to have either the concurrence of the people in demanding them, or the assent of the present king in granting them.

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XV.
134L

IN return for these important concessions, the parliament offered the king a grant of 20,000 sacks of wool; and his wants were so urgent, from the clamours of his creditors, and the demands of his foreign allies, that he was obliged to accept of the supply on these hard conditions. He ratified this statute in full parliament; but he *secretly* entered a protest of such a nature, as was sufficient, one should imagine, to destroy all future trust and confidence with his people: He declared, that, as soon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him". Accordingly, he was no sooner possessed of the

" 15 Edw. III. " Statutes at Large, 15 Edw. III. That this protest of the king's was *secret* appears evidently, since otherwise it would have been ridiculous in the parliament to have accepted of his assent: Besides the king owns that he *dissembled*, which would not have been the case, had his protest been public.

C H A P. parliamentary supply, than he issued an edict, which contains many extraordinary positions and pretensions. He first asserts that that statute had been enacted contrary to law; as if a free legislative body could ever do any thing illegal. He next affirms, that, as it was hurtful to the prerogatives of the crown which he had sworn to defend, he had only dissembled, when he seemed to ratify it, but that he had never in his own breast given his assent to it. He does not pretend, that either he or the parliament lay under force; but only that some inconvenience would have ensued, had he not seemingly affixed his sanction to that pretended statute. He therefore, with the advice of his council and of *some* earls and barons, abrogates and annuls it; and though he professes himself willing and determined to observe such articles of it as were formerly law, he declares it to have thenceforth no force or authority[“]. The parliaments, that were afterwards assembled, took no notice of this arbitrary exertion of royal power, which, by a parity of reason, left all their laws at the mercy of the king; and during the course of two years, Edward had so far re-established his influence, and freed himself from his present necessities, that he then obtained from his parliament a legal repeal of the obnoxious statute[“]. This transaction certainly contains remarkable circumstances, which discover the manners and

[“] Statutes at Large, 15. Edw. III.

[“] Cotton's Abridgm. p. 38, 39.

sentiments of the age, and may prove what inaccurate work might be expected from such rude hands, when employed in legislation, and in rearing the delicate fabric of laws and a constitution.

CHAP.
XV.
1341.

BUT though Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone so many mortifications from that attempt, and saw so little prospect of success, that he would probably have dropped his claim, had not a revolution in Brittany opened to him more promising views, and given his enterprising genius a full opportunity of displaying itself.

JOHN III. duke of Brittany, had, during some years found himself declining through age and infirmities; and having no issue, he was solicitous to prevent those disorders to which, on the event of his demise, a disputed succession might expose his subjects. His younger brother, the count of Penthievre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the duchy by a female succession, he thought her title preferable to that of the count of Mountfort, who, being his brother by a second marriage, was the male heir of that principality. He accordingly purposed to bestow his niece in marriage on some person, who might be able to defend her rights; and he cast his eye on Charles of Blois, nephew of the king of France, by his mother, Margaret of

Affairs of
Brittany.

" Froissard, liv. 1. chap. 64.

C H A P. Valois, sister to that monarch. But as he both
 XV. loved his subjects and was beloved by them, he
 1341. determined not to take this important step without
 their approbation; and having assembled the states
 of Brittany, he represented to them the advantages
 of that alliance, and the prospect, which it
 gave, of an entire settlement of the succession.
 The Bretons willingly concurred in his choice:
 The marriage was concluded: All his vassals,
 and among the rest, the count of Mountfort,
 swore fealty to Charles and to his consort as to
 their future sovereigns: And every danger of
 civil commotions seemed to be obviated, as far as
 human prudence could provide a remedy against
 them.

BUT on the death of this good prince, the
 ambition of the count of Mountfort broke through
 all these regulations, and kindled a war, not
 only dangerous to Brittany, but to a great part
 of Europe. While Charles of Blois was soliciting
 at the court of France the investiture of the
 duchy, Mountfort was active in acquiring im-
 mediate possession of it; and by force or intrigue
 he made himself master of Rennes, Nantz, Brest,
 Hennebonne, and all the most important fortresses
 and engaged many considerable barons to acknow-
 ledge his authority²⁷. Sensible that he could
 expect no favor from Philip, he made a voyage
 to England, on pretence of soliciting his claim to
 the earldom of Richmond, which had devolved

²⁷ Froissard, liv. 1. chap. 65, 66, 67, 68.

to him by his brother's death ; and there , offering to do homage to Edward , as king of France , for the dutchy of Brittany , he proposed a strict alliance for the support of their mutual pretensions. Edward saw immediately the advantages attending this treaty : Mountfort , an active and valiant prince , closely united to him by interest , opened at once an entrance into the heart of France , and afforded him much more flattering views , than his allies on the side of Germany and the Low Countries , who had no sincere attachment to his cause , and whose progress was also obstructed by those numerous fortifications , which had been raised on that frontier. Robert of Artois was zealous in enforcing these considerations : The ambitious spirit of Edward was little disposed to sit down under those repulses which he had received , and which , he thought , had so much impaired his reputation : And it required a very short negociation to conclude a treaty of alliance between two men ; who , though their pleas with regard to the preference of male or female succession were directly opposite , were intimately connected by their immediate interests “.

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XV.
1341.

Renewal of
the war with
France.

As this treaty was still a secret , Mountfort , on his return , ventured to appear at Paris , in order to defend his cause before the court of peers , but observing Philip and his judges to be prepossessed against his title , and dreading their

“ Froissard , liv. I. chap. 69.

C H A P. intentions of arresting him, till he should restore
XV. what he had seized by violence, he suddenly made his escape; and war immediately commenced between him and Charles of Blois ". Philip sent his eldest son, the duke of Normandy, with a powerful army, to the assistance of the latter; and Mountfort, unable to keep the field against his rival, remained in the city of Nantz, where he was besieged. The city was taken by the treachery of the inhabitants; Mountfort fell into the hands of his enemies; was conducted as a prisoner to Paris; and was shut up in the tower of the Louvre ".
 1342.

THIS event seemed to put an end to the pretensions of the count of Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inspired new life and vigor into his party. Jane of Flanders, countess of Mountfort, the most extraordinary woman of the age, was roused, by the captivity of her husband, from those domestic cares, to which she had hitherto limited her genius; and she courageously undertook to support the falling fortunes of her family. No sooner did she receive the fatal intelligence, than she assembled the inhabitants of Rennes, where she then resided; and carrying her infant son in her arms, deplored to them the calamity of their sovereign. She recommended to their care the illustrious orphan, the sole male remaining of their ancient princes, who had

" Foissard, liv. 1. chap. 70, 71.

" Ibid. chap. 73.

governed them with such indulgence and lenity, and to whom they had ever professed the most zealous attachment. She declared herself willing to run all hazards with them in so just a cause; discovered the resources which still remained in the alliance of England; and entreated them to make one effort against an usurper, who, being imposed on them by the arms of France, would in return make a sacrifice to his protector of the ancient liberties of Brittany. The audience, moved by the affecting appearance, and inspired by the noble conduct, of the princess, vowed to live and die with her in defending the rights of her family: All the other fortresses of Brittany embraced the same resolution: The countess went from place to place, encouraging the garrisons, providing them with every thing necessary for subsistence, and concerting the proper plans of defence; and after she had put the whole province in a good posture, she shut herself up in Hennebonne, where she waited with impatience the arrival of those succours, which Edward had promised her. Mean while, she sent over her son to England, that she might both put him in a place of safety, and engage the king more strongly, by such a pledge, to embrace with zeal the interests of her family.

CHARLES OF BLOIS, anxious to make himself master of so important a fortress as Hennebone, and still more to take the countess prisoner, from whose vigor and capacity all the difficulties to his succession in Brittany now proceeded, sat down

C H A P. before the place, with a great army, composed of French, Spaniards, Genoese, and some Bretons; and he conducted the attack with indefatigable industry⁷¹. The defence was no less vigorous: The besiegers were repulsed in every assault: Frequent sallies were made with success by the garrison: And the countess herself being the most forward in all military operations, every one was ashamed not to exert himself to the utmost in this desperate situation. One day she perceived, that the besiegers, entirely occupied in an attack, had neglected a distant quarter of their camp; and she immediately sallied forth at the head of a body of 200 cavalry, threw them into confusion, did great execution upon them, and set fire to their tents, baggage, and magazines: But when she was preparing to return, she found that she was intercepted, and that a considerable body of the enemy had thrown themselves between her and the gates. She instantly took her resolution: She ordered her men to disband, and to make the best of their way by flight to Brest: She met them at the appointed place of rendezvous, collected another body of 500 horse, returned to Hennebonne, broke unexpectedly through the enemy's camp, and was received with shouts and acclamations by the garrison, who, encouraged by this reinforcement, and by so rare an example of female valor, determined to defend themselves to the last extremity.

⁷¹ Froissard, liv. i. chap. 81.

THE reiterated attacks, however, of the besiegers had at length made several breaches in the walls; and it was apprehended, that a general assault, which was every hour expected, would overpower the garrison, diminished in numbers, and extremely weakened with watching and fatigue. It became necessary to treat of a capitulation; and the bishop of Leon was already engaged, for that purpose, in a conference with Charles of Blois; when the countess, who had mounted to a high tower, and was looking towards the sea with great impatience, descried some sails at a distance. She immediately exclaimed: *Behold the succours! the English succours! No capitulation*⁷². This fleet had on board a body of heavy-armed cavalry, and six thousand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained by contrary winds. They entered the harbour under the command of Sir Walter Manny, one of the bravest captains of England; and having inspired fresh courage into the garrison, immediately sallied forth, beat the besiegers from all their posts, and obliged them to decamp.

BUT notwithstanding this success, the countess of Mountfort found that her party, overpowered by numbers, was declining in every quarter; and she went over to solicit more effectual succours from the king of England. Edward granted her a considerable reinforcement under Robert of Ar-

⁷² Froissard, liv. i. chap. 81.

H A P. tois; who embarked on board a fleet of forty-five
 xv. ships, and sailed to Brittany. He was met in his
 1943. passage by the enemy; an action ensued, where
 the countess behaved with her wonted valor,
 and charged the enemy sword in hand; but the
 hostile fleets, after a sharp action, were separated
 by a storm, and the English arrived safely in Bri-
 tanny. The first exploit of Robert was the taking
 of Vannes, which he mastered by conduct and
 address⁷⁷: But he survived a very little time this
 prosperity. The Breton noblemen of the party
 of Charles assembled secretly in arms, attacked
 Vannes of a sudden, and carried the place; chiefly
 by reason of a wound received by Robert, of
 which he soon after died at sea on his return to
 England⁷⁸.

AFTER the death of this unfortunate prince, the
 chief author of all the calamities, with which his
 country was overwhelmed for more than a cen-
 tury, Edward undertook in person the defence
 of the countess of Mountfort; and as the last
 truce with France was now expired, the war,
 which the English and French had hitherto car-
 ried on as allies to the competitors for Brittany,
 was thenceforth conducted in the name and under
 the standard of the two monarchs. The king
 landed at Morbian near Vannes, with an army
 of 12 000 men; and being master of the field, he
 endeavoured to give a lustre to his arms, by com-
 mencing at once three important sieges, that of

⁷⁷ Froissard, liv. i. chap. 93.

⁷⁸ Ibid. chap. 94.

Vannes, of Rennes, and of Nantz. But by un- C H A P.
dertaking too much, he failed of success in all XV.
his enterprises. Even the siege of Vannes, which
Edward in person conducted with vigor, advanced but slowly⁷⁵; and the French had all the
leisure requisite for making preparations against
him. The duke of Normandy, eldest son of
Philip, appeared in Brittany at the head of an
army of 30,000 infantry, and 4000 cavalry; and
Edward was now obliged to draw together all
his forces, and to intrench himself strongly before
Vannes, where the duke of Normandy soon after
arrived, and in a manner invested the besiegers.
The garrison and the French camp were plentifully
supplied with provisions; while the English,
who durst not make any attempt upon the place
in the presence of a superior army, drew all their
subsistence from England, exposed to the hazards
of the sea, and sometimes to those which arose
from the fleet of the enemy. In this dangerous 2342.
situation, Edward willingly hearkened to the
mediation of the pope's legates, the cardinals of
Palestrine and Frescati, who endeavoured to negotiate,
if not a peace, at least a truce between the two kingdoms.
A treaty was concluded for a cessation of arms during three years⁷⁶; and Edward
had the abilities, notwithstanding his present dangerous situation,
to procure to himself very equal and honorable terms. It was agreed,

⁷⁵ Froissard, liv. 1. chap. 95.
Avesbury, p. 102.

⁷⁶ Ibid. chap. 99.

C H A P. that Vannes should be sequestered, during the
 XV. truce, in the hands of the legates, to be disposed
 1343. of afterwards as they pleased; and though Edward
 knew the partiality of the court of Rome towards
 his antagonists, he saved himself by this device
 from the dishonor of having undertaken a fruit-
 less enterprize. It was also stipulated, that all
 prisoners should be released, that the places in
 Brittany should remain in the hands of the pre-
 sent possessors, and that the allies on both sides
 should be comprehended in the truce⁷⁷. Edward,
 soon after concluding this treaty, embarked with
 his army for England.

THE truce, though calculated for a long time,
 was of very short duration; and each monarch
 endeavoured to throw on the other the blame of
 its infraction. Of course, the historians of the
 two countries differ in their account of the matter.
 It seems probable, however, as is affirmed by the
 French writers, that Edward, in consenting to
 the truce, had no other view than to extricate
 himself from a perilous situation, into which he
 had fallen, and was afterwards very careless in
 observing it. In all the memorials which remain
 on this subject, he complains chiefly of the pu-
 nishment inflicted on Oliver de Clifton, John de
 Montauban, and other Breton noblemen, who,
 he says, were partisans of the family of Mount-
 fort, and consequently under the protection of
 England⁷⁸. But it appears, that, at the conclu-

⁷⁷ Heming. p. 359. ⁷⁸ Rymer, vol. v. p. 453,
 454. 459. 466. 496. Heming. p. 376.

tion of the truce, those noblemen had openly, by their declarations and actions, embraced the cause of Charles of Blois"; and if they had entered into any secret correspondence and engagements with Edward, they were traitors to their party, and were justly punishable by Philip and Charles, for their breach of faith; nor had Edward any ground of complaint against France for such severities. But when he laid these pretended injuries before the parliament, whom he affected to consult on all occasions, that assembly entered into the quarrel, advised the king not to be amused by a fraudulent truce, and granted him supplies for the renewal of the war: The counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy consented to give a tenth for three years.

THESE supplies enabled the king to complete his military preparations; and he sent his cousin, Henry earl of Derby, son of the earl of Lancaster, into Guienne, for the defence of that province". This prince, the most accomplished in the English court, possessed to a high degree the virtues of justice and humanity, as well as those of valor and conduct", and not content with

" Eroiffard. liv. i. chap. 96. p. 100.

" Ibid. chap. 103. Avesbury, p. 121.

" It is reported of this prince, that, having once, before the attack of a town, promised the soldiers the plunder, one private man happened to fall upon a great chest full of money, which he immediately brought to the

C H A P. protecting and cherishing the province committed
XV. to his care, he made a successful invasion on the enemy. He attacked the count of Lisle, the French general, at Bergerac, beat him from his intrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conquests, till the count of Lisle, having collected an army of ten or twelve thousand men, sat down before Auberoche, in hopes of recovering that place, which had fallen into the hands of the English. The earl of Derby came upon him by surprise with only a thousand cavalry, threw the French into disorder, pushed his advantage, and obtained a complete victory. Lisle himself, with many considerable nobles, was taken prisoner²². After this important success, Derby made a rapid progress in subduing the French provinces. He took Monsegur, Monpesat, Villefranche, Miremont, and Tonnins, with the fortress of Damassen. Aiguillon, a fortress deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was surrendered after a short siege. The only place, where he met with considerable resistance, was Reole, which, however, was at last reduced after a siege of above nine weeks²³. He made an

earl, as thinking it too great for himself to keep possession of it. But Derby told him, that his promise did not depend on the greatness or smallness of the sum; and ordered him to keep it all for his own use.

²² Froissard, liv. 1. chap. 104.

²³ Ibid. chap. 110.

attempt on Blaye, but thought it more prudent to raise the siege, than waste his time before a place of small importance". C H A P. XV.

THE reason, why Derby was permitted to make, without opposition, such progress on the side of Guienne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impositions, particularly the duty on salt, to the great discontent, and almost mutiny of his subjects. But after the court of France was supplied with money, great preparations were made; and the duke of Normandy, attended by the duke of Burgundy, and other great nobility, led towards Guienne a powerful army, which the English could not think of resisting in the open field. The earl of Derby stood on the defensive, and allowed the French to carry on at leisure the siege of Angouleme, which was their first enterprise. John lord Norwich, the governor, after a brave and vigorous defence, found himself reduced to such extremities, as obliged him to employ a stratagem, in order to save his garrison, and to prevent his being reduced to surrender at discretion. He appeared on the walls, and desired a parley with the duke of Normandy. The prince there told Norwich, that he supposed he intended to capitulate. "Not at all," replied the governor: "But as to-morrow is the feast of the Virgin, to whom, I know, that you, Sir, as well as myself, bear

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" Froissard, liv. 1. chap. 112.

E H A P. "a great devotion, I desire a cessation of arms for
XVI. "that day." The proposal was agreed to; and
1346. Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The besiegers, imagining they were to be attacked, ran to their arms; but Norwich sent a messenger to the duke, reminding him of his engagement. The duke, who piqued himself on faithfully keeping his word, exclaimed, *I see the governor has outwitted me: But let us be content with gaining the place:* And the English were allowed to pass through the camp unmolested¹¹. After some other successes, the duke of Normandy laid siege to Aiguillon; and as the natural strength of the fortress, together with a brave garrison under the command of the earl of Pembroke, and Sir Walter Manny, rendered it impossible to take the place by assault, he purposed, after making several fruitless attacks¹², to reduce it by famine: But before he could finish this enterprise, he was called to another quarter of the kingdom, by one of the greatest disasters that ever befel the French monarchy¹³.

EDWARD, informed by the earl of Derby of the great danger to which Guienne was exposed, had prepared a force with which he intended in person to bring it relief. He embarked at Southampton on board a fleet of near a thousand sail

¹¹ Froissard, liv. 1. chap. 120.

¹² Ibid. chap. 121.

¹³ Ibid. chap. 134.

of all dimensions ; and carried with him , besides C H A P.
all the chief nobility of England , his eldest son X V.
the prince of Wales , now fifteen years of age. 1246.
The winds proved long contrary " ; and the king,
in despair of arriving in time at Guienne , was
at last persuaded by Geoffry d'Harcourt , to change
the destination of his enterprize. This nobleman
was a Norman by birth , had long made a con-
siderable figure in the court of France , and was
generally esteemed for his personal merit and his
valor ; but being disoblged and persecuted by
Philip , he had fled into England ; had recom-
mended himself to Edward , who was an excellent
judge of men ; and had succeeded to Robert of
Artois in the invidious office of exciting and as-
sisting the king in every enterprize against his
native country. He had long insisted , that an
expedition to Normandy promised , in the present
circumstances , more favorable success , than one
to Guienne ; that Edward would find the northern
provinces almost destitute of military force , which
had been drawn to the south ; that they were full
of flourishing cities , whose plunder would enrich
the English ; that their cultivated fields , as yet
unspoiled by war , would supply them with plenty
of provisions ; and that the neighbourhood of the
capital rendered every event of importance in those
quarters ". These reasons , which had not before
been duly weighed by Edward , began to make

" Avesbury , p. 123,
chap. 121.

" Froissard , liv. i.

CHAP. more impression after the disappointments which
XV. he had met with in his voyage to Guienne: He
1346. ordered his fleet to sail to Normandy, and safely disembarked his army at la Hogue.

2th July.
 Invasion of
 France.

THIS army, which, during the course of the ensuing campaign, was crowned with the most splendid success, consisted of four thousand men at arms, ten thousand archers, ten thousand Welsh infantry, and six thousand Irish. The Welsh and the Irish were light, disorderly troops, fitter for doing execution in a pursuit, or scouring the country, than for any stable action. The bow was always esteemed a frivolous weapon, where true military discipline was known, and regular bodies of well-armed foot maintained. The only solid force in this army were the men at arms; and even these, being cavalry, were, on that account, much inferior, in the shock of battle, to good infantry: And as the whole were new levied troops, we are led to entertain a very mean idea of the military force of those ages, which, being ignorant of every other art, had not properly cultivated the art of war itself, the sole object of general attention.

— THE king created the earl of Arundel constable of his army, and the earls of Warwic and Harcourt, marshals: He bestowed the honor of knighthood on the prince of Wales and several of the young nobility, immediately upon his landing. After destroying all the ships in la Hogue, Barfleur, and Cherbourg, he spread his army over the whole country, and gave them

an unbounded licence of burning, spoiling, and plundering every place, of which they became masters. The loose discipline, then prevalent, could not be much hurt by these disorderly practices; and Edward took care to prevent any surprise, by giving orders to his troops, however they might disperse themselves in the day-time, always to quarter themselves at night near the main body. In this manner, Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin, were pillaged without resistance; and an universal consternation was spread over the province".

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THE intelligence of this unexpected invasion soon reached Paris; and threw Philip into great perplexity. He issued orders, however, for levying forces in all quarters, and dispatched the count of Eu, constable of France, and the count of Tancarville, with a body of troops, to the defence of Caën, a populous and commercial but open city, which lay in the neighbourhood of the English army. The temptation of so rich a prize soon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the reinforcements which they daily received from the country, ventured to meet him in the field. But their courage failed them on the first shock: They fled with precipitation: The counts of Eu and Tancarville were taken prisoners: The victors entered the city along with

" Froissard, liv. I. chap. 122.

C H A P. the vanquished, and a furious massacre commenced, without distinction of age, sex, or condition.

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1346. The citizens, in despair, barricadoed their houses, and assaulted the English with stones, bricks, and every missile weapon: The English made way by fire to the destruction of the citizens: Till Edward, anxious to save both his spoil and his soldiers, stopped the massacre; and having obliged the inhabitants to lay down their arms, gave his troops licence to begin a more regular and less hazardous plunder of the city. The pillage continued for three days: The king reserved for his own share the jewels, plate, silks, fine cloth, and fine linen; and he bestowed all the remainder of the spoil on his army. The whole was embarked on board the ships, and sent over to England; together with three hundred of the richest citizens of Caën, whose ransom was an additional profit, which he expected afterwards to levy⁹¹. This dismal scene passed in the presence of two cardinal legates, who had come to negotiate a peace between the kingdoms.

THE king moved next to Rouën in hopes of treating that city in the same manner; but found, that the bridge over the Seine was already broken down, and that the king of France himself was arrived there with his army. He marched along the banks of that river towards Paris, destroying the whole country, and every town and

⁹¹ Froissard, liv. 1. chap. 124.

village, which he met with on his road". Some of his light troops carried their ravages even to the gates of Paris; and the royal palace of St. Germain, together with Nanterre, Ruelle, and other villages, was reduced to ashes within sight of that capital. The English intended to pass the river at Poissy, but found the French army encamped on the opposite banks, and the bridge at that place, as well as all others over the Seine, broken down by orders from Philip. Edward now saw, that the French meant to enclose him in their country, in hopes of attacking him with advantage on all sides: But he saved himself by a stratagem from this perilous situation. He gave his army orders to dislodge, and to advance farther up the Seine; but immediately returning by the same road, he arrived at Poissy, which the enemy had already quitted, in order to attend his motions. He repaired the bridge with incredible celerity, passed over his army, and having thus disengaged himself from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townsmen of Amiens, who were hastening to reinforce their king, and, defeated them with great slaughter": He passed by Beauvais, and burned the suburbs of that city: But as he approached the Somme, he found himself in the same difficulty as before: All the bridges on that river were either broken down, or strongly

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" Froissard, liv. i. chap. 125.
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" Ibid.
S

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1346. guarded: An army, under the command of Godemar de Faye, was stationed on the opposite banks: Philip was advancing on him from the other quarter, with an army of a hundred thousand men: And he was thus exposed to the danger of being enclosed, and of starving in an enemy's country. In this extremity, he published a reward to any one, that should bring him intelligence of a passage over the Somme. A peasant, called Gobin Agace, whose name has been preserved by the share which he had in these important transactions, was tempted on this occasion to betray the interests of his country; and he informed Edward of a ford below Abbeville, which had a sound bottom, and might be passed without difficulty at low water". The king hastened thither, but found Godemar de Faye on the opposite banks. Being urged by necessity, he deliberated not a moment; but threw himself into the river, sword in hand, at the head of his troops; drove the enemy from their station; and pursued them to a distance on the plain". The French army under Philip arrived at the ford, when the rearguard of the English were passing. So narrow was the escape, which Edward, by his prudence and celerity, made from this danger! The rising of the tide prevented the French king from following him over the ford, and obliged that prince to take his route over

" Froissard, liv. i. chap. 126, 127.

" Ibid. chap. 127.

the bridge at Abbeville; by which some time C H A P.
was lost.

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It is natural to think, that Philip, at the head of so vast an army, was impatient to take revenge on the English, and to prevent the disgrace, to which he must be exposed, if an inferior enemy should be allowed, after ravaging so great a part of his kingdom, to escape with impunity. Edward also was sensible, that such must be the object of the French monarch; and as he had advanced but a little way before his enemy, he saw the danger of precipitating his march over the plains of Picardy, and of exposing his rear to the insults of the numerous cavalry, in which the French camp abounded. He took therefore a prudent resolution: He chose his ground with advantage near the village of Crecy; he disposed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped, that their eagerness to engage, and to prevent his retreat, after all their past disappointments, would hurry them on to some rash and ill-concerted action. He drew up his army on a gentle ascent, and divided them into three lines: The first was commanded by the prince of Wales, and under him, by the earls of Warwic and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noblemen: The earls of Arundel and Northampton, with the lords Willoughby, Bassett, Roos, and Sir Lewis Tufton, were at the head of the second line: He took to himself the com-

Battle of
Crecy.
25th Aug.

C H A P. XV. 1346. mand of the third division, by which he purposed either to bring succour to the two first lines, or to secure a retreat in case of any misfortune, or to push his advantages against the enemy. He had likewise the precaution to throw up trenches on his flanks, in order to secure himself from the numerous bodies of the French, who might assail him from that quarter; and he placed all his baggage behind him in a wood, which he also secured by an intrenchment ”.

THE skill and order of this disposition, with the tranquillity in which it was made, served extremely to compose the minds of the soldiers; and the king, that he might farther inspirit them, rode through the ranks with such an air of cheerfulness and alacrity, as conveyed the highest confidence into every beholder. He pointed out to them the necessity to which they were reduced, and the certain and inevitable destruction which awaited them, if, in their present situation, enclosed on all hands in an enemy's country, they trusted to any thing but their own valor, or gave that enemy an opportunity of taking revenge for the many insults and indignities, which they had of late put upon him. He reminded them of the visible ascendant, which they had hitherto maintained, over all the bodies of French troops that had fallen in their way; and assured them, that the superior numbers of the army, which at present hovered over them, gave them not greater

” Froissard, liv. i. chap. 128.

force, but was an advantage easily compensated by the order in which he had placed his own army, and the resolution which he expected from them. He demanded nothing, he said, but that they would imitate his own example, and that of the prince of Wales; and as the honor, the lives, the liberties of all, were now exposed to the same danger, he was confident, that they would make one common effort to extricate themselves from the present difficulties, and that their united courage would give them the victory over all their enemies.

It is related by some historians", that Edward, besides the resources, which he found in his own genius and presence of mind, employed also a new invention against the enemy, and placed in his front some pieces of artillery, the first that had yet been made use of on any remarkable occasion in Europe. This is the epoch of one of the most singular discoveries, that has been made among men; a discovery, which changed by degrees the whole art of war: and by consequence many circumstances in the political government of Europe. But the ignorance of that age, in the mechanical arts, rendered the progress of this new invention very slow. The artillery, first framed, were so clumsy and of such difficult management, that men were not immediately sensible of their use and efficacy: And even to the present times, improvements

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" Jean Villani, lib. 12. cap. 66.

C H A P. have been continually making on this furious engine, which, though it seemed contrived for the destruction of mankind, and the overthrow of empires, has in the issue rendered battles less bloody, and has given greater stability to civil societies. Nations, by its means, have been brought more to a level: Conquests have become less frequent and rapid: Success in war has been reduced nearly to be a matter of calculation: And any nation, overmatched by its enemies, either yields to their demands, or secures itself by alliances against their violence and invasion.

THE invention of artillery was at this time known in France as well as in England²²; but Philip, in his hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as a useless incumbrance. All his other movements discovered the same imprudence and precipitation. Impelled by anger, a dangerous counsellor, and trusting to the great superiority of his numbers, he thought that all depended on forcing an engagement with the English, and that, if he could once reach the enemy in their retreat, the victory on his side was certain and inevitable. He made a hasty march in some confusion from Abbeville; but after he had advanced above two leagues, some gentlemen, whom he had sent before to take a view of the enemy, returned to him, and brought him intelligence,

²² Du Cange Gloss. in verb. *Bombarda*.

that they had seen the English drawn up in great order, and awaiting his arrival. They therefore advised him to defer the combat till the ensuing day, when his army would have recovered from their fatigue, and might be disposed into better order, than their present hurry had permitted them to observe. Philip assented to this counsel; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One division pressed upon another: Orders to stop were not seasonably conveyed to all of them: This immense body was not governed by sufficient discipline to be manageable: And the French army, imperfectly formed into three lines, arrived, already fatigued and disordered, in presence of the enemy. The first line, consisting of 15,000 Genoese cross-bow men, was commanded by Anthony Doria, and Charles Grimaldi: The second was led by the count of Alençon, brother to the king: The king himself was at the head of the third. Besides the French monarch, there were no less than three crowned heads in this engagement: The king of Bohemia, the king of the Romans, his son, and the king of Majorca; with all the nobility and great vassals of the crown of France. The army now consisted of above 120,000 men, more than three times the number of the enemy. But the prudence of one man was superior to the advantage of all this force and splendor.

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CHAPTER. THE English, on the approach of the enemy,
 xv. kept their ranks firm and immoveable; and the
 1346. Genoese first began the attack. There had hap-
 pened, a little before the engagement, a thunder-
 shower, which had moistened and relaxed the
 strings of the Genoese cross-bows; their arrows
 for this reason fell short of the enemy. The Eng-
 lish archers, taking their bows out of their cases,
 poured in a shower of arrows upon this multi-
 tude who were opposed to them; and soon threw
 them into disorder. The Genoese fell back upon
 the heavy-armed cavalry of the count of Alençon";
 who, enraged at their cowardice, ordered his
 troops to put them to the sword. The artillery
 fired amidst the crowd; the English archers con-
 tinued to send in their arrows among them; and
 nothing was to be seen in that vast body but
 hurry and confusion, terror and dismay. The
 young prince of Wales had the presence of mind
 to take advantage of this situation, and to lead
 on his line to the charge. The French cavalry,
 however, recovering somewhat their order, and
 encouraged by the example of their leader, made
 a stout resistance; and having at last cleared them-
 selves of the Genoese runaways, advanced upon
 their enemies, and by their superior numbers
 began to hem them round. The earls of Arundel
 and Northampton now advanced their line to
 sustain the prince, who, ardent in his first feats
 of arms, set an example of valor, which was

" Froissard, liv. i. chap. 130.

imitated by all his followers. The battle became for some time hot and dangerous, and the earl of Warwic, apprehensive of the event from the superior numbers of the French, dispatched a messenger to the king, and entreated him to send succours to the relief of the prince. Edward had chosen his station on the top of the hill; and he surveyed in tranquillity the scene of action. When the messenger accosted him, his first question was, whether the prince were slain or wounded. On receiving an answer in the negative, *Return*, said he, *to my son, and tell him that I reserve the honor of the day to him: I am confident that he will show himself worthy of the honor of knighthood, which I so lately conferred upon him: He will be able without my assistance to repel the enemy.*¹³⁴ This speech, being reported to the prince and his attendants, inspired them with fresh courage: They made an attack with redoubled vigor on the French, in which the count of Alençon was slain: That whole line of cavalry was thrown into disorder: The riders were killed or dismounted: The Welsh infantry rushed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors¹³⁵.

THE king of France advanced in vain with the rear to sustain the line commanded by his brother: He found them already discomfited; and the example of their rout increased the confusion,

¹³⁴ Froissard, liv. i. chap. 130

¹³⁵ Ibid,

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C H A P. which was before but too prevalent in his own
 xv. body. He had himself a horse killed under
 1346. him: He was remounted; and, though left almost
 alone, he seemed still determined to maintain the
 combat; when John of Hainault seized the reins
 of his bridle, turned about his horse, and carried
 him off the field of battle. The whole French
 army took to flight, and was followed and put
 to the sword without mercy by the enemy; till
 the darkness of the night put an end to the pur-
 suit. The king, on his return to the camp, flew
 into the arms of the prince of Wales; and ex-
 claimed; *My brave son: Persevere in your honorable*
cause: You are my son; for valiantly have you ac-
quitted yourself to-day: You have shown yourself
worthy of empire ²⁰⁰.

THIS battle, which is known by the name of
 the battle of Crecy, began after three o'clock in
 the afternoon, and continued till evening. The
 next morning was foggy; and as the English ob-
 served, that many of the enemy had lost their
 way in the night and in the mist, they employed
 a stratagem to bring them into their power:
 They erected on the eminences some French
 standards which they had taken in the battle;
 and all, who were allured by this false signal,
 were put to the sword, and no quarter given
 them. In excuse for this inhumanity, it was
 alleged that the French king had given like orders
 to his troops; but the real reason probably was,

²⁰⁰ Froissard, liv. i. chap. 131.

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that the English, in their present situation, did not chuse to be encumbered with prisoners. On the day of battle, and on the ensuing, there fell, by a moderate computation, 1200 French knights, 1400 gentlemen, 4000 men at arms, besides about 30,000 of inferior rank¹³³: Many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Vaudemont, Aumale, were left on the field of battle. The kings also of Bohemia and Majorca were slain: The fate of the former was remarkable: He was blind from age; but being resolved to hazard his person, and set an example to others, he ordered the reins of his bridle to be tied on each side to the horses of two gentlemen of his train; and his dead body, and those of his attendants, were afterwards found among the slain, with their horses standing by them in that situation¹³⁴. His crest was three ostrich feathers; and his motto these German words: *Ich dien, I serve*: Which the prince of Wales and his successors adopted in memorial of this great victory. The action may seem no less remarkable for the small loss sustained by the English than for the great slaughter of the French: There were killed in it only one esquire and three knights¹³⁵, and very few of inferior rank; a demonstration, that the prudent disposition planned by Edward,

¹³³ Knyghton, p. 2588. Froissard, liv. i. chap. 131.

¹³⁴ Ibid. chap. 130. Walsingham, p. 166.

¹³⁵ Knyghton, p. 2588.

C H A P. and the disorderly attack made by the French, xv. had rendered the whole rather a rout than a battle, 1346. which was indeed the common case with engagements in those times.

THE great prudence of Edward appeared not only in obtaining this memorable victory, but in the measures which he pursued after it. Not elated by his present prosperity, so far as to expect the total conquest of France, or even that of any considerable provinces; he purposed only to secure such an easy entrance into that kingdom, as might afterwards open the way to more moderate advantages. He knew the extreme distance of Guienne: He had experienced the difficulty and uncertainty of penetrating on the side of the Low Countries, and had already lost much of his authority over Flanders by the death of d'Arteville, who had been murdered by the populace themselves, his former partisans, on his attempting to transfer the sovereignty of that province to the prince of Wales¹⁰⁰. The king, therefore, limited his ambition to the conquest of Calais; and after the interval of a few days, which he employed in interring the slain, he marched with his victorious army, and presented himself before the place.

JOHN of Vienne, a valiant knight of Burgundy, was governor of Calais, and being supplied with every thing necessary for defence, he encouraged the townsmen to perform to the utmost their

¹⁰⁰ Froissard, liv. i. chap. 116.

duty to their king and country. Edward therefore, sensible from the beginning that it was in vain to attempt the place by force, purposed only to reduce it by famine: He chose a secure station for his camp; drew intrenchments around the whole city; raised huts for his soldiers, which he covered with straw or broom; and provided his army with all the conveniencies, necessary to make them endure the winter season, which was approaching. As the governor soon perceived his intention, he expelled all the useless mouths; and the king had the generosity to allow these unhappy people to pass through his camp, and he even supplied them with money for their journey ¹³⁷.

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WHILE Edward was engaged in this siege, which employed him near a twelvemonth, there passed in different places many other events; and all to the honor of the English arms.

THE retreat of the duke of Normandy from Guienne left the earl of Derby master of the field; and he was not negligent in making his advantage of the superiority. He took Mirebeau by assault: He made himself master of Lusignan in the same manner: Taillebourg and St. Jean d'Angeli fell into his hands: Poitiers opened its gates to him; and Derby having thus broken into the frontiers on that quarter, carried his incursions to the banks of the Loire, and filled

¹³⁷ Froissard, liv. i. chap. 133.

C H A P. all the southern provinces of France with horror
 xv. and devastation¹⁰⁰.

1346.

THE flames of war were at the same time kindled in Brittany. Charles of Blois invaded that province with a considerable army, and invested the fortrefs of Roche de Rien; but the countefs of Mountfort, reinforced by some English troops under Sir Thomas Dagworth, attacked him during the night in his intrenchments, difperfed his army, and took Charles himfelf prifoner¹⁰¹. His wife, by whom he enjoyed his pretensions to Brittany, compelled by the prefent neceffity, took on her the government of the party, and proved herfelf a rival in every fhape, and an antagonift to the countefs of Mountfort, both in the field and in the cabinet. And while thefe heroic dames prefented this extraordinary fcene to the world, another princefs in England, of ftill higher rank, fhewed herfelf no lefs capable of exerting every manly virtue.

War with
 Scotland.

THE Scottifh nation, after long defending, with incredible perfeverance, their liberties againft the fuperior force of the Englifh, recalled their king, David Bruce, in 1342. Though that prince, neither by his age nor capacity, could bring them great affiftance; he gave them the countenance of fovereign authority; and as Edward's wars on the continent proved a great diversion to the force of England, they rendered

¹⁰⁰ Froiffard, liv. i. chap. 136. ¹⁰¹ Ibid. chap. 143. Walfingham, p. 168. Ypod. Neuft. p. 517, 518.

the balance more equal between the kingdoms. C H A P.
 In every truce which Edward concluded with XV.
 Philip, the king of Scotland was comprehended: 1346.
 and when Edward made his last invasion upon
 France, David was strongly solicited by his ally
 to begin also hostilities, and to invade the
 northern counties of England. The nobility of
 his nation being always forward in such incursions,
 David soon mustered a great army, entered
 Northumberland at the head of above 50,000
 men, and carried his ravages and devastations to
 the gates of Durham ¹¹⁰. But queen Philippa,
 assembling a body of little more than 12,000
 men ¹¹¹, which she intrusted to the command of
 Lord Percy, ventured to approach him at
 Neville's Cross near that city; and riding through
 the ranks of her army, exhorted every man
 to do his duty, and to take revenge on these
 barbarous ravagers ¹¹². Nor could she be persuaded 17th Oct
 to leave the field, till the armies were on the
 point of engaging. The Scots have often been
 unfortunate in the great pitched battles which
 they fought with the English; even though they
 commonly declined such engagements where the
 superiority of numbers was not on their side:
 But never did they receive a more fatal blow
 than the present. They were broken and chased
 off the field: Fifteen thousand of them, some
 historians say twenty thousand, were slain; among

¹¹⁰ Froissard, liv. i. chap. 137.

¹¹¹ Ibid. chap. 138.

¹¹² Ibid. chap. 138.

C H A P.

XV.

Captivity of
the king of
Scots.

whom were Edward Keith, earl Mareschal, and Sir Thomas Charteris, chancellor: And the king himself was taken prisoner, with the earls of Southerland, Fife, Monteith, Carric, lord Douglas, and many other noblemen¹³³.

PHILIPPA, having secured her royal prisoner in the Tower¹³⁴, crossed the sea at Dover; and was received in the English camp before Calais with all the triumph due to her rank, her merit, and her success. This age was the reign of chivalry and gallantry: Edward's court excelled in these accomplishments as much as in policy and arms: And if any thing could justify the obsequious devotion then professed to the fair sex, it must be the appearance of such extraordinary women as shone forth during that period.

1347.
Calais taken.

THE town of Calais had been defended with remarkable vigilance, constancy, and bravery by the townsmen, during a siege of unusual length: But Philip, informed of their distressed condition, determined at last to attempt their relief; and he approached the English with an immense army, which the writers of that age make amount to 200,000 men. But he found Edward so surrounded with morasses, and secured by intrenchments, that, without running on inevitable destruction, he concluded it impossible to make an attempt on the English camp. He had no other resource than to send his rival a vain challenge to meet

¹³³ Froissard, liv. i. chap. 139.
v. p. 537.

¹³⁴ Rymer, vol.

him

him in the open field, which being refused, he was obliged to decamp with his army, and disperse them into their several provinces¹⁴⁴.

C H A P.
XV.
1347.

JOHN OF VIENNE, governor of Calais, now saw the necessity of surrendering his fortress, which was reduced to the last extremity, by famine and the fatigue of the inhabitants. He appeared on the walls, and made a signal to the English centinels that he desired a parley. Sir Walter Manny was sent to him by Edward. "Brave knight," cried the governor, "I have been intrusted by my sovereign with the command of this town: It is almost a year since you besieged me, and I have endeavoured, as well as those under me, to do our duty. But you are acquainted with our present condition: We have no hopes of relief; we are perishing with hunger; I am willing therefore to surrender, and desire, as the sole condition, to insure the lives and liberties of these brave men, who have so long shared with me every danger and fatigue¹⁴⁵."

MANNY replied, that he was well-acquainted with the intentions of the king of England; that that prince was incensed against the townsmen of Calais for their pertinacious resistance, and for the evils which they had made him and his subjects suffer; that he was determined to take exemplary vengeance on them; and would not receive the

¹⁴⁴ Avesbury, p. 161, 162. Froissard, liv. 1. chap. 144, 145. ¹⁴⁵ Ibid. chap. 146.

E H A P. town on any condition which should confine him
 xv. in the punishment of these offenders. "Consider,"
 1247. replied Vienne, "that this is not the treatment to
 " which brave men are entitled: If any English
 " knight had been in my situation, your king
 " would have expected the same conduct from
 " him. The inhabitants of Calais have done for
 " their sovereign what merits the esteem of every
 " prince; much more of so gallant a prince as
 " Edward. But I inform you, that, if we must
 " perish, we shall not perish unrevenge'd; and
 " that we are not yet so reduced, but we can
 " sell our lives at a high price to the victors. It
 " is the interest of both sides to prevent these
 " desperate extremities; and I expect, that you
 " yourself, brave knight; will interpose your
 " good offices with your prince in our behalf."

MANNY was struck with the justness of these
 sentiments, and represented to the king the danger
 of reprisals, if he should give such treatment to
 the inhabitants of Calais. Edward was at last
 persuaded to mitigate the rigor of the conditions
 demanded: He only insisted, that six of the most
 considerable citizens should be sent to him to be
 disposed of as he thought proper; that they should
 come to his camp carrying the keys of the city in
 their hands, bareheaded and barefooted, with
 ropes about their necks: And on these conditions,
 he promised to spare the lives of all the re-
 mainder¹¹⁷.

¹¹⁷ Froissard, liv. 1. chap. 146.

WHEN this intelligence was conveyed to Calais, c H A P.
it struck the inhabitants with new consternation. XV.
To sacrifice six of their fellow-citizens to certain 1347.
destruction, for signaling their valor in a com-
mon cause, appeared to them even more severe
than that general punishment, with which they
were before threatened; and they found them-
selves incapable of coming to any resolution in
so cruel and distressful a situation. At last one
of the principal inhabitants called Eustace de St.
Pierre, whose name deserves to be recorded,
stepped forth, and declared himself willing to
encounter death for the safety of his friends and
companions: Another, animated by his example,
made a like generous offer: A third and a fourth
presented themselves to the same fate; and the
whole number was soon completed. These six
heroic burghesses appeared before Edward in the
guise of malefactors, laid at his feet the keys of
their city, and were ordered to be led to execution.
It is surprizing, that so generous a prince should
ever have entertained such a barbarous purpose
against such men; and still more that he should
seriously persist in the resolution of executing it¹¹⁸.
But the entreaties of his queen saved his memory
from that infamy: She threw herself on her knees
before him, and with tears in her eyes begged
the lives of these citizens. Having obtained her
request, she carried them into her tent, ordered
a repast to be set before them, and after making

¹¹⁸ See note [G] at the end of the volume.

C H A P. them a present of money and clothes, dismissed
XV. them in safety ¹¹⁹.

4th August. **T**HE king took possession of Calais; and immediately executed an act of rigor, more justifiable because more necessary, than that which he had before resolved on. He knew, that, notwithstanding his pretended title to the crown of France, every Frenchman regarded him as a mortal enemy: He therefore ordered all the inhabitants of Calais to evacuate the town, and he peopled it anew with English; a policy which probably preserved so long to his successors the dominion of that important fortress. He made it the staple of wool, leather, tin, and lead; the four chief, if not the sole commodities of the kingdom, for which there was any considerable demand in foreign markets. All the English were obliged to bring thither these goods: Foreign merchants came to the same place in order to purchase them: And at a period, when posts were not established, and when the communication between states was so imperfect, this institution, though it hurt the navigation of England, was probably of advantage to the kingdom.

1348. **T**HROUGH the mediation of the pope's legates, Edward concluded a truce with France; but even during this cessation of arms, he had very nearly lost Calais, the sole fruit of all his boasted victories. The king had intrusted that place to Aimery de Pavie, an Italian, who had discovered

¹¹⁹ Froissard, liv. 1. chap. 146.

bravery and conduct in the wars, but was utterly destitute of every principle of honor and fidelity. This man agreed to deliver up Calais for the sum of 20,000 crowns; and Geoffrey de Charni, who commanded the French forces in those quarters and who knew, that, if he succeeded in this service, he should not be disavowed, ventured, without consulting his master, to conclude the bargain with him. Edward, informed of this treachery, by means of Aimery's secretary, summoned the governor to London on other pretences; and having charged him with the guilt, promised him his life, but on condition that he would turn the contrivance to the destruction of the enemy. The Italian easily agreed to this double treachery. A day was appointed for the admission of the French; and Edward, having prepared a force of about a thousand men, under Sir Walter Manny, secretly departed from London, carrying with him the prince of Wales; and without being suspected, arrived the evening before at Calais. He made a proper disposition for the reception of the enemy; and kept all his forces and the garrison under arms. On the appearance of Charni, a chosen band of French foldiers was admitted at the postern, and Aimery, receiving the stipulated sum, promised, that, with their assistance, he would immediately open the great gate to the troops, who were waiting with impatience for the fulfilling of his engagement. All the French who entered were immediately slain or taken prisoners: The great gate

C H A P.

XV.

1349.

1st Jan.

C H A P. opened: Edward rushed forth with cries of battle
XV. and of victory: The French, though astonished
1349. at the event, behaved with valor: A fierce and bloody engagement ensued. As the morning broke, the king, who was not distinguished by his arms, and who fought as a private man under the standard of Sir Walter Manny, remarked a French gentleman, called Eustace de Ribaumont, who exerted himself with singular vigor and bravery; and he was seized with a desire of trying a single combat with him. He stepped forth from his troop, and challenging Ribaumont by name, (for he was known to him) began a sharp and dangerous encounter. He was twice beaten to the ground by the valor of the Frenchman: He twice recovered himself. Blows were redoubled with equal force on both sides: The victory was long undecided: Till Ribaumont, perceiving himself to be left almost alone, called out to his antagonist, *Sir knight, I yield myself your prisoner*; and at the same time delivered his sword to the king. Most of the French, being overpowered by numbers, and intercepted in their retreat, lost either their lives or their liberty¹³.

THE French officers, who had fallen into the hands of the English, were conducted into Calais; where Edward discovered to them the antagonist with whom they had had the honor to be engaged, and treated them with great regard and courtesy. They were admitted to sup with the

¹³ Froissard, liv. I. chap. 140, 141, 142.

prince of Wales, and the English nobility; and after supper, the king himself came into the apartment, and went about, conversing familiarly with one or other of his prisoners. He even addressed himself to Charni, and avoided reproaching him, in too severe terms, with the treacherous attempt, which he had made upon Calais during the truce: But he openly bestowed the highest encomiums on Ribau mont; called him the most valorous knight that he had ever been acquainted with; and confessed, that he himself had at no time been in so great danger as when engaged in combat with him. He then took a string of pearls, which he wore about his own head, and throwing it over the head of Ribau mont, he said to him, " Sir Eustace, I bestow this present upon you, as a testimony of my esteem for your bravery: And I desire you to wear it a year for my sake: I know you to be gay and amorous; and to take delight in the company of ladies and damsels: Let them all know from what hand you had the present: You are no longer a prisoner; I acquit you of your ransom; and you are at liberty to-morrow to dispose of yourself as you think proper."

C H A P.

XV.

1349.

NOTHING proves more evidently the vast superiority assumed by the nobility and gentry above all the other orders of men during those ages, than the extreme difference which Edward made in his treatment of these French knights, and that of the six citizens of Calais, who had exerted more signal bravery in a cause more justifiable and more honorable.

T 4

CHAP. XVI.

EDWARD III.

Institution of the garter — State of France — Battle of Poitiers — Captivity of the king of France — State of that kingdom — Invasion of France — Peace of Bretigni — State of France — Expedition into Castile — Rupture with France — Ill success of the English — Death of the prince of Wales — Death — and character of the king — Miscellaneous transactions in this reign.

CHAP.
XVI.
1349.

Institution
of the gar-
ter.

THE prudent conduct and great success of Edward in his foreign wars had excited a strong emulation and a military genius among the English nobility; and these turbulent barons, overawed by the crown, gave now a more useful direction to their ambition, and attached themselves to a prince who led them to the acquisition of riches and of glory. That he might farther promote the spirit of emulation and obedience, the king instituted the order of the garter, in imitation of some orders of a like nature, religious as well as military, which had been established in different parts of Europe. The number received into this order consisted of twenty-five persons, besides the sovereign; and as it has never been enlarged, this badge of distinction continues as

honorable as at its first institution, and is still a valuable, though a cheap, present, which the prince can confer on his greatest subjects. A vulgar story prevails, but is not supported by any ancient authority, that, at a court-ball, Edward's mistress, commonly supposed to be the countess of Salisbury, dropped her garter; and the king, taking it up, observed some of the courtiers to smile, as if they thought that he had not obtained this favor merely by accident: Upon which he called out, *Honni soit qui mal y pense*, Evil to him that evil thinks; and as every incident of gallantry among those ancient warriors was magnified into a matter of great importance^{*}, he instituted the order of the garter in memorial of this event, and gave these words as the motto of the order. This origin, though frivolous, is not unsuitable to the manners of the times; and it is indeed difficult by any other means to account, either for the seemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which seems to have no reference to any purpose either of military use or ornament.

BUT a sudden damp was thrown over this festivity and triumph of the court of England, by a destructive pestilence, which invaded that kingdom as well as the rest of Europe; and is computed to have swept away near a third of the inhabitants in every country, which it attacked. It was probably more fatal in great cities than in

^{*} See note [H] at the end of the volume.

C H A P.

XVI.

1349.

C H A P. the country ; and above fifty thousand souls are
XVI said to have perished by it in London alone ². This malady first discovered itself in the north of Asia, was spread over all that country, made its progress from one end of Europe to the other, and sensibly depopulated every state through which it passed. So grievous a calamity, more than the pacific disposition of the princes, served to maintain and prolong the truce between France and England.

1350. DURING this truce, Philip de Valois died, without being able to re-establish the affairs of France, which his bad success against England had thrown into extreme disorder. This monarch, during the first years of his reign, had obtained the appellation of *Fortunate*, and acquired the character of prudent; but he ill maintained either the one or the other; less from his own fault, than because he was overmatched by the superior fortune and superior genius of Edward. But the incidents in the reign of his son John, gave the French nation cause to regret even the calamitous times of his predecessor. John was distinguished by many virtues, particularly a scrupulous honor and fidelity: He was not deficient in personal courage: But as he wanted that masterly prudence

² Stowe's Survey, p. 478. There were buried 50,000 bodies in one church-yard, which Sir Walter Manny had bought for the use of the poor. The same author says, that there died above 50,000 persons of the plague in Norwich, which is quite incredible.

and foresight, which his difficult situation required, C H A P. XVI.
 his kingdom was at the same time disturbed by intestine commotions, and oppressed with foreign wars. The chief source of its calamities, was Charles king of Navarre, who received the epithet of the *bad* or *wicked*, and whose conduct fully entitled him to that appellation. This prince was descended from males of the blood royal of France; his mother was daughter of Lewis Hutin; he had himself espoused a daughter of king John: But all these ties, which ought, to have connected him with the throne, gave him only greater power to shake, and overthrow it. With regard to his personal qualities, he was courteous, affable, engaging, eloquent; full of insinuation and address; inexhaustible in his resources; active and enterprising. But these splendid accomplishments were attended with such defects, as rendered them pernicious to his country, and even ruinous to himself: He was volatile, inconstant, faithless, revengeful, malicious: Restrained by no principle or duty: Infatiable in his pretensions: And whether successful or unfortunate in one enterprise, he immediately undertook another, in which he was never deterred from employing the most criminal and most dishonorable expedients. 1354. State of France.

THE constable of Eu, who had been taken prisoner by Edward at Caen, recovered his liberty, on the promise of delivering as his ransom, the town of Guisnes, near Calais, of which he was superior lord: But as John was offended at this stipulation, which, if fulfilled, opened still

C H A P. farther that frontier to the enemy , and as he
 XVI. suspected the constable of more dangerous connexions with the king of England, he ordered him to be seized, and without any legal or formal trial, put him to death in prison. Charles de la Cerda was appointed constable in his place; and had a like fatal end: The king of Navarre ordered him to be assassinated; and such was the weakness of the crown, that this prince, instead of dreading punishment, would not even agree to ask pardon for his offence, but on condition that he should receive an accession of territory: And he had also John's second son put into his hands, as a security for his person, when he came to court, and performed this act of mock penitence and humiliation before his sovereign¹.

1355. THE two French princes seemed entirely reconciled; but this dissimulation, to which John submitted from necessity, and Charles from habit, did not long continue; and the king of Navarre knew, that he had reason to apprehend the most severe vengeance for the many crimes and treasons, which he had already committed, and the still greater, which he was meditating. To ensure himself of protection, he entered into a secret correspondence with England, by means of Henry earl of Derby, now earl of Lancaster, who at that time was employed in fruitless negociations for peace at Avignon, under the mediation of the pope. John detected this correspondence; and

¹ Froissard, liv. i. chap. 144.

C H A P.

XVI.

1255.

to prevent the dangerous effects of it, he sent forces into Normandy, the chief seat of the king of Navarre's power, and attacked his castles and fortresses. But hearing that Edward had prepared an army to support his ally, he had the weakness to propose an accommodation with Charles, and even to give this traitorous subject the sum of a hundred thousand crowns, as the purchase of a feigned reconciliation, which rendered him still more dangerous. The king of Navarre, insolent from past impunity, and desperate from the dangers which he apprehended, continued his intrigues; and associating himself with Geoffrey d'Harcourt, who had received his pardon from Philip de Valois, but persevered still in his factious disposition, he increased the number of his partisans in every part of the kingdom. He even seduced by his address, Charles, the king of France's eldest son, a youth of seventeen years of age, who was the first that bore the appellation of Dauphin, by the re-union of the province of Dauphiny to the crown. But this prince, being made sensible of the danger and folly of these connexions, promised to make atonement for the offence by the sacrifice of his associates; and in concert with his father, he invited the king of Navarre, and other noblemen of the party, to a feast at Rouën, where they were betrayed into the hands of John. Some of the most obnoxious were immediately led to execution; the king of Navarre was thrown into prison*: But this stroke

* Froissard, liv. i. chap. 146. Avesbury, p. 243.

C H A P. of severity in the king, and of treachery in the
XVI. Dauphin, was far from proving decisive in main-
1345. taining the royal authority. Philip of Navarre, brother to Charles, and Geoffrey d'Harcourt, put all the towns and castles belonging to that prince in a posture of defence; and had immediate recourse to the protection of England in this desperate extremity.

THE truce between the two kingdoms, which had always been ill observed on both sides, was now expired; and Edward was entirely free to support the French malecontents. Well pleased, that the factions in France had at length gained him some partisans in that kingdom, which his pretensions to the crown had never been able to accomplish, he purposed to attack his enemy both on the side of Guienne, under the command of the prince of Wales, and on that of Calais, in his own person.

YOUNG Edward arrived in the Garonne with his army, on board a fleet of three hundred sail, attended by the earls of Warwic, Salisbury, Oxford, Suffolk, and other English noblemen. Being joined by the vassals of Gascony, he took the field; and as the present disorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devastations, according to the mode of war in that age. He reduced all the villages and several towns in Languedoc to ashes: He presented himself before Toulouse; passed the Garonne, and burned the suburbs of Carcassonne; advanced even to Nar-

bonne, laying every place waste around him: C H A P. XVI.
1355.
And after an incursion of six weeks, returned with a vast booty and many prisoners to Guienne, where he took up his winter-quarters'. The constable of Bourbon, who commanded in those provinces, received orders, though at the head of a superior army, on no account to run the hazard of a battle.

THE king of England's incursion from Calais was of the same nature, and attended with the same issue. He broke into France at the head of a numerous army; to which he gave a full licence of plundering and ravaging the open country. He advanced to St. Omer, where the king of France was posted; and on the retreat of that prince, followed him to Hesdin'. John still kept at a distance, and declined an engagement: But in order to save his reputation, he sent Edward a challenge to fight a pitched battle with him; a usual bravado in that age, derived from the practice of single combat, and ridiculous in the art of war. The king, finding no sincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom against a threatened invasion of the Scots.

THE Scots, taking advantage of the king's absence, and that of the military power of England, had surprised Berwic; and had collected an army with a view of committing ravages upon

' Froissard, liv. i. chap. 144. 146.

' Ibid. chap. 144. Avesbury, p. 206. Walsing. p. 171.

C H A P. the northern provinces : But on the approach of
XVI. Edward, they abandoned that place, which was not tenable, while the castle was in the hands of the English; and retiring to their mountains, gave the enemy full liberty of burning and destroying the whole country from Berwic to Edinburgh⁷. Baliol attended Edward on this expedition; but finding, that his constant adherence to the English had given his countrymen an unconquerable aversion to his title, and that he himself was declining through age and infirmities, he finally resigned into the king's hands his pretensions to the crown of Scotland⁸, and received in lieu of them an annual pension of 2000 pounds, with which he passed the remainder of his life in privacy and retirement.

DURING these military operations, Edward received information of the increasing disorders in France, arising from the imprisonment of the king of Navarre; and he sent Lancaster at the head of a small army, to support the partisans of that prince in Normandy. The war was conducted with various success; but chiefly to the disadvantage of the French malecontents; till an important event happened in the other quarter of the kingdom, which had well nigh proved fatal to the monarchy of France, and threw every thing into the utmost confusion.

1356. **THE** prince of Wales, encouraged by the

⁷ Walsing, p. 171.
 Ypod. Neust. p. 521.

⁸ Rymér, vol. v. p. 823.

success

success of the preceding campaign, took the field with an army, which no historian makes amount to above 12,000 men, and of which not a third were English; and with this small body, he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limousin, he entered the province of Berry; and made some attacks, though without success, on the towns of Bourges and Issoudun. It appeared that his intentions were to march into Normandy, and to join his forces with those of the earl of Lancaster, and the partisans of the king of Navarre; but finding all the bridges on the Loire broken down, and every pass carefully guarded, he was obliged to think of making his retreat into Guienne*. He found this resolution the more necessary, from the intelligence which he received of the king of France's motions. That monarch, provoked at the insult offered him by this incursion, and entertaining hopes of success from the young prince's temerity, collected a great army of above 60,000 men, and advanced by hasty marches to intercept his enemy. The prince, not aware of John's near approach, lost some days, on his retreat, before the castle of Remorantin¹⁰; and thereby gave the French an opportunity of overtaking him. They came within sight at Maupertuis near Poitiers; and Edward, sensible that his retreat was now become impracticable, prepared for battle with

H A P.

XVI.

1256.

Battle of
Poitiers.

* Walling. p. 171.
chap. 158.

¹⁰ Ibid. Froissard, liv. 1.

C H A P. all the courage of a young hero, and with all
XVI. the prudence of the oldest and most experienced
1356. commander.

BUT the utmost prudence and courage would have proved insufficient to save him in this extremity, had the king of France known how to make use of his present advantages. His great superiority in numbers enabled him to surround the enemy; and by intercepting all provisions, which were already become scarce in the English camp, to reduce this small army, without a blow, to the necessity of surrendering at discretion. But such was the impatient ardor of the French nobility, and so much had their thoughts been bent on overtaking the English as their sole object, that this idea never struck any of the commanders; and they immediately took measures for the assault, as for a certain victory. While the French army was drawn up in order of battle, they were stopped by the appearance of the cardinal of Perigord; who having learned the approach of the two armies to each other, had hastened, by interposing his good offices, to prevent any farther effusion of Christian blood. By John's permission, he carried proposals to the prince of Wales; and found him so sensible of the bad posture of his affairs, that an accommodation seemed not impracticable. Edward told him, that he would agree to any terms consistent with his own honor and that of England; and he offered to purchase a retreat by ceding all the conquests, which he had made during this and the former

campaign, and by stipulating not to serve against France during the course of seven years. But John, imagining that he had now got into his hands a sufficient pledge for the restitution of Calais, required that Edward should surrender himself prisoner with a hundred of his attendants; and offered on these terms a safe retreat to the English army. The prince rejected the proposal with disdain; and declared, that, whatever fortune might attend him, England should never be obliged to pay the price of his ransom. This resolute answer cut off all hopes of accommodation; but as the day was already spent in negotiating, the battle was delayed till the next morning ¹.

C H A P.
XVI.
1356.

THE cardinal of Perigord, as did all the prelates of the court of Rome, bore a great attachment to the French interest; but the most determined enemy could not, by any expedient, have done a greater prejudice to John's affairs, than he did them by this delay. The prince of Wales had leisure, during the night, to strengthen, by new intrenchments, the post which he had before so judiciously chosen; and he contrived an ambush of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwic, the rear by the earls of Salisbury and

¹ Froissard, liv. 1. chap. 161.

C H A P. Suffolk, the main body by the prince himself.
XVI. The lords Chandos, Audeley, and many other
1356. brave and experienced commanders, were at the head of different corps of his army.

JOHN also arranged his forces in three divisions, nearly equal: The first was commanded by the duke of Orleans, the king's brother; the second by the Dauphin attended by his two younger brothers; the third by the king himself, who had by his side Philip, his fourth son and favorite, then about fourteen years of age. There was no reaching the English army but through a narrow lane, covered on each side by hedges; and in order to open this passage, the mareschals, Andrehen and Clermont, were ordered to advance with a separate detachment of men at arms. While they marched along the lane, a body of English archers, who lined the hedges, plied them on each side with their arrows; and being very near them, yet placed in perfect safety, they coolly took their aim against the enemy, and slaughtered them with impunity. The French detachment, much discouraged by the unequal combat, and diminished in their number, arrived at the end of the lane, where they met on the open ground the prince of Wales himself, at the head of a chosen body, ready for their reception. They were discomfited and overthrown: One of the mareschals was slain; the other taken prisoner: And the remainder of the detachment, who were still in the lane, and exposed to the shot of the enemy, without being able to make resistance,

recoiled upon their own army, and put every thing into disorder²². In that critical moment, the Captal de Buche unexpectedly appeared, and attacked in flank the Dauphin's line, which fell into some confusion. Landas, Bodenai, and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge or for their own safety, carried them off the field, and set the example of flight, which was followed by that whole division. The duke of Orleans, seized with a like panic, and imagining all was lost, thought no longer of fighting, but carried off his division by a retreat, which soon turned into a flight. Lord Chandos called out to the prince, that the day was won; and encouraged him to attack the division, under king John, which, though more numerous than the whole English army, were somewhat dismayed with the precipitate flight of their companions. John here made the utmost efforts to retrieve by his valor, what his imprudence had betrayed; and the only resistance made that day was by his line of battle. The prince of Wales fell with impetuosity on some German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Nosto: A fierce battle ensued: One side were encouraged by the near prospect of so great a victory: The other were stimulated by the shame of quitting the field to an enemy so much inferior: But the three German

C H A P.
XVI.
1356

²² Froissard, liv. 1. chap. 162.

C H A P. XVI. 1256. generals, together with the duke of Athens, constable of France, falling in battle, that body of cavalry gave way, and left the king himself exposed to the whole fury of the enemy. The ranks were every moment thinned around him: The nobles fell by his side, one after another: His son, scarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: The king himself, spent with fatigue, and overwhelmed by numbers, might easily have been slain; but every English gentleman, ambitious of taking alive the royal prisoner, spared him in the action, exhorted him to surrender, and offered him quarter: Several who attempted to seize him, suffered for their temerity. He still cried out, *Where is my cousin, the prince of Wales?* and seemed unwilling to become prisoner to any person of inferior rank. But being told, that the prince was at a distance on the field, he threw down his gauntlet, and yielded himself to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His son was taken with him¹¹.

Captivity of
the king of
France.

THE prince of Wales, who had been carried away in pursuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was reposing himself after the toils of battle; inquiring still with great anxiety concerning the fate of the French monarch. He

¹¹ Rymer, vol. vi. p. 72. 154. Froissard, liv. 1. chap. 164.

dispatched the earl of Warwic to bring him intelligence ; and that nobleman came happily in time to save the life of the captive prince, which was exposed to greater danger than it had been during the heat of action. The English had taken him by violence from Morbec: The Gascons claimed the honor of detaining the royal prisoner. And some brutal foldiers, rather than yield the prize to their rivals, had threatened to put him to death¹⁴. Warwic overawed both parties, and approaching the king with great demonstrations of respect, offered to conduct him to the prince's tent.

C H A P.

XVI.

1356.

HERE commences the real and truly admirable heroism of Edward: For victories are vulgar things in comparison of that moderation and humanity displayed by a young prince of twenty-seven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected success as had ever crowned the arms of any commander. He came forth to meet the captive king with all the marks of regard and sympathy administered comfort to him amidst his misfortunes; paid him the tribute of praise due to his valor; and ascribed his own victory merely to the blind chance of war or to a superior providence, which controuls all the efforts of human force and prudence¹⁵. The behaviour of John showed him not unworthy of this courteous treatment:

¹⁴ Froissard, liv. 1. chap. 164.
p. 197.

¹⁵ Poul. Cemil.

C H A P. His present abject fortune never made him forget
XVI. a moment that he was a king: More touched by Edward's generosity than by his own calamities, he confessed, that, notwithstanding his defeat and captivity, his honor was still unimpaired; and that, if he yielded the victory, it was at least gained by a prince of such consummate valor and humanity.

EDWARD ordered a repast to be prepared in his tent for the prisoner; and he himself served at the royal captive's table, as if he had been one of his retinue: He stood at the king's back during the meal; constantly refused to take a place at table; and declared, that, being a subject, he was too well acquainted with the distance between his own rank, and that of royal majesty, to assume such freedom. All his father's pretensions to the crown of France were now buried in oblivion: John in captivity received the honors of a king, which were refused him when seated on the throne: His misfortunes, not his title, were respected; and the French prisoners, conquered by this elevation of mind, more than by their late discomfiture, burst into tears of admiration; which were only checked by the reflection, that such genuine and unaltered heroism in an enemy must certainly in the issue prove but the more dangerous to their native country¹⁶.

1357.

ALL the English and Gascon knights imitated the generous example set them by their prince.

¹⁶ Froissard, liv. 1. chap. 168.

The captives were every where treated with C H A P.
humanity, and were soon after dismissed on paying XVI.
moderate ransoms to the persons into whose hands 1357.
they had fallen. The extent of their fortunes was
considered; and an attention was given, that
they should still have sufficient means left to
perform their military service in a manner suitable
to their rank and quality. Yet so numerous
were the noble prisoners, that these ransoms,
added to the spoils, gained in the field, were
sufficient to enrich the prince's army; and as they
had suffered very little in action, their joy and
exultation was complete.

THE prince of Wales conducted his prisoner
to Bourdeaux; and not being provided with forces
so numerous as might enable him to push his
present advantages, he concluded a two years'
truce with France³⁷, which was also become
requisite, that he might conduct the captive king
with safety into England. He landed at South-
wark, and was met by a great concourse of people,
of all ranks and stations. The prisoner was clad 24th May.
in royal apparel, and mounted on a white steed,
distinguished by its size and beauty, and by the
richness of its furniture. The conqueror rode by
his side in a meaner attire, and carried by a black
palfry. In this situation, more glorious than all
the insolent parade of a Roman triumph, he passed
through the streets of London, and presented the
king of France to his father, who advanced to

³⁷ Rymer, vol. vi. p. 3.

C H A P. meet him, and received him with the same courtesy, as if he had been a neighbouring potentate, that had voluntarily come to pay him a friendly visit¹⁸. It is impossible, in reflecting on this noble conduct, not to perceive the advantages, which resulted from the otherwise whimsical principles of chivalry, and which gave men, in those rude times, some superiority even over people of a more cultivated age and nation.

THE king of France, besides the generous treatment which he met with in England, had the melancholy consolation of the wretched, to see companions in affliction. The king of Scots had been eleven years a captive in Edward's hands; and the good fortune of this latter monarch had reduced at once the two neighbouring potentates, with whom he was engaged in war, to be prisoners in his capital. But Edward, finding that the conquest of Scotland was nowise advanced by the captivity of its sovereign, and that the government, conducted by Robert Stuart, his nephew and heir, was still able to defend itself, consented to restore David Bruce to his liberty, for the ransom of 100,000 marks sterling; and that prince delivered the sons of all his principal nobility, as hostages for the payment¹⁹.

1358.
State of
France.

MEANWHILE, the captivity of John, joined to the preceding disorders of the French government,

¹⁸ Froissard, liv. i. chap. 173. ¹⁹ Ibid. chap. 174. Rymer, vol. vi. p. 45, 46. 52. 56. Walsing. p. 173.

had produced in that country, a dissolution, almost total, of civil authority, and had occasioned confusions, the most horrible and destructive that had ever been experienced in any age or in any nation. The dauphin, now about eighteen years of age, naturally assumed the royal power during his father's captivity; but though endowed with an excellent capacity, even in such early years, he possessed neither experience nor authority sufficient to defend a state, assailed at once by foreign power and shaken by intestine faction. In order to obtain supply, he assembled the states of the kingdom: That assembly, instead of supporting his administration, were themselves seized with the spirit of confusion; and laid hold of the present opportunity to demand limitations of the prince's power, the punishment of past malversations, and the liberty of the king of Navarre. Marcel, provost of the merchants, and first magistrate of Paris, put himself at the head of the unruly populace; and from the violence and temerity of his character, pushed them to commit the most criminal outrages against the royal authority. They detained the dauphin in a sort of captivity; they murdered in his presence Robert de Clermont and John de Conflans, marshals, the one of Normandy, the other of Burgundy; they threatened all the other ministers with a like fate; and when Charles, who was obliged to temporize and dissemble, made his escape from their hands, they levied war against him, and openly erected the standard of rebellion.

C H A P.

XVI.

1358.

CHAP. The other cities of the kingdom, in imitation
XVI. of the capital, shook off the dauphin's authority ;
1358. took the government into their own hands ; and spread the disorder into every province. The nobles, whose inclinations led them to adhere to the crown , and were naturally disposed to check these tumults , had lost all their influence ; and being reproached with cowardice on account of the base desertion of their sovereign in the battle of Poitiers , were treated with universal contempt by the inferior orders. The troops , who , from the deficiency of pay , were no longer retained in discipline , threw off all regard to their officers , sought the means of subsistence by plunder and robbery , and associating to them all the disorderly people , with whom that age abounded , formed numerous bands , which infested all parts of the kingdom. They desolated the open country ; burned and plundered the villages ; and by cutting off all means of communication or subsistence , reduced even the inhabitants of the walled towns to the most extreme necessity. The peasants , formerly oppressed , and now left unprotected , by their masters , became desperate from their present misery ; and rising every where in arms , carried to the last extremity those disorders , which were derived from the sedition of the citizens and disbanded soldiers *. The gentry , hated for their tyranny , were every where exposed to the violence of popular rage ; and instead of meeting

* Krouillard , liv. i. chap. 182 , 183 , 184.

with the regard due to their past dignity, became only, on that account, the object of more wanton insult to the mutinous peasants. They were hunted like wild beasts, and put to the sword without mercy: Their castles were consumed with fire, and levelled to the ground: Their wives and daughters were first ravished, then murdered: The savages proceeded so far as to impale some gentlemen, and roast them alive before a slow fire: A body of nine thousand of them broke into Meaux, where the wife of the dauphin with above 300 ladies had taken shelter: The most brutal treatment and most atrocious cruelty were justly dreaded by this helpless company: But the Captal de Buche, though in the service of Edward, yet moved by generosity and by the gallantry of a true knight, flew to their rescue, and beat off the peasants with great slaughter. In other civil wars, the opposite factions, falling under the government of their several leaders, commonly preserve still the vestige of some rule and order: But here the wild state of nature seemed to be renewed: Every man was thrown loose and independent of his fellows: And the populousness of the country, derived from the preceding police of civil society, served only to increase the horror and confusion of the scene.

AMONGST these disorders, the king of Navarre made his escape from prison, and presented a dangerous leader to the furious malecontents²¹.

²¹ Froissard, liv. i. chap. 181.

G H A P.
XVI.
1358.

C H A P. But the splendid talents of this prince qualified
 XVI. him only to do mischief, and to increase the
 1318. public distractions: He wanted the steadiness and
 prudence requisite for making his intrigues subservient to his ambition, and forming his numerous partisans into a regular faction. He revived his pretensions, somewhat obsolete, to the crown of France: But while he advanced this claim, he relied entirely on his alliance with the English, who were concerned in interest to disappoint his pretensions, and who, being public and inveterate enemies to the state, served only, by the friendship which they seemingly bore him, to render his cause the more odious. And in all his operations, he acted more like a leader of banditti, than one who aspired to be the head of a regular government, and who was engaged by his station to endeavour the re-establishment of order in the community.

THE eyes, therefore, of all the French, who wished to restore peace to their miserable and desolated country, were turned towards the dauphin; and that young prince, though not remarkable for military talents, possessed so much prudence and spirit, that he daily gained the ascendant over all his enemies. Marcel, the seditious provost of Paris, was slain, while he was attempting to deliver the city to the king of Navarre and the English; and the capital immediately returned to its duty²². The most

²² Froissard, liv. i. chap. 187.

considerable bodies of the mutinous peasants were dispersed, and put to the sword: Some bands of military robbers underwent the same fate: And though many grievous disorders still remained, France began gradually to assume the face of a regular civil government, and to form some plan for its defence and security.

DURING the confusion in the dauphin's affairs, Edward seemed to have a favorable opportunity for pushing his conquests: But besides that his hands were tied by the truce, and he could only assist underhand the faction of Navarre; the state of the English finances and military power, during those ages, rendered the kingdom incapable of making any regular or steady effort, and obliged it to exert its force at very distant intervals, by which all the projected ends were commonly disappointed. Edward employed himself, during a conjuncture so inviting, chiefly in negotiations with his prisoner; and John had the weakness to sign terms of peace, which, had they taken effect, must have totally ruined and dismembered his kingdom. He agreed to restore all the provinces which had been possessed by Henry II. and his two sons, and to annex them for ever to England, without any obligation of homage or fealty on the part of the English monarch. But the dauphin and the states of France rejected this treaty, so dishonorable and pernicious to the kingdom²¹; and Edward, on the expiration of

²¹ Froissard, liv. i. chap. 201.

CHAP. XVI. the truce, having now, by subsidies and frugality collected some treasure, prepared himself for a new invasion of France.

THE great authority and renown of the king and the prince of Wales, the splendid success of their former enterprises, and the certain prospect of plunder from the defenceless provinces of France, soon brought together the whole military power of England; and the same motives invited to Edward's standard all the hardy adventurers of the different countries of Europe²⁴. He passed over to Calais, where he assembled an army of near a hundred thousand men; a force which the dauphin could not pretend to withstand in the open field: That prince therefore prepared himself to elude a blow, which it was impossible for him to resist. He put all the considerable towns in a posture of defence; ordered them to be supplied with magazines and provisions; distributed proper garrisons in all places; secured every thing valuable in the fortified cities; and chose his own station at Paris, with a view of allowing the enemy to vent their fury on the open country.

1259.
4th Nov.
1259

THE king, aware of this plan of defence, was obliged to carry along with him six thousand waggon, loaded with the provisions necessary for the subsistence of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a strong desire of being crowned king of France at Rheims, the usual place in which

²⁴ Froissard, liv. i. chap. 205.

this

this ceremony is performed, he laid siege to that city, and carried on his attacks, though without success for the space of seven weeks²⁵. The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbishop, John de Craon; till the advanced season (for this expedition was entered upon in the beginning of winter) obliged the king to raise the siege. The province of Champagne, meanwhile, was desolated by his incursions; and he thence conducted his army, with a like intent, into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other small places; but the duke of Burgundy, that he might preserve his country from farther ravages, consented to pay him the sum of 100,000 nobles²⁶. Edward then bent his march towards the Nivernois, which saved itself by a like composition: He laid waste Brie and the Gatinois; and after a long march, very destructive to France, and somewhat ruinous to his own troops; he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Long-jumeau, Mont-rouge, and Vaugirard. He tried to provoke the dauphin to hazard a battle, by sending him a defiance; but could not make that prudent prince change his plan of operations. Paris was safe from the danger of an assault by its numerous garrison; from that of a blockade by its well supplied magazines: And as Edward him-

²⁵ Froissard, liv. i. chap. 208. Walsing. p. 174.

²⁶ Ibid. Rymer, vol. vi. 161.

C H A P. self could not subsist his army in a country, wasted
XVI. by foreign and domestic enemies, and left also
1360. empty by the precaution of the dauphin, he was obliged to remove his quarters; and he spread his troops into the provinces of Maine, Beaulle, and the Chartraine, which were abandoned to the fury of their devastations ²⁷. The only repose, which France experienced, was during the festival of Easter, when the king stopped the course of his ravages. For superstition can sometimes restrain the rage of men, which neither justice nor humanity is able to controul.

WHILE the war was carried on in this ruinous manner, the negotiations for peace were never interrupted: But as the king still insisted on the full execution of the treaty, which he had made with his prisoner at London, and which was strenuously rejected by the dauphin, there appeared no likelihood of an accommodation. The earl, now duke of Lancaster (for this title was introduced into England during the present reign), endeavoured to soften the rigor of these terms, and to finish the war on more equal and reasonable conditions. He insisted with Edward, that, notwithstanding his great and surprising successes, the object of the war, if such were to be esteemed the acquisition of the crown of France; was not become any nearer than at the commencement of it; or rather, was set at a greater distance, by those very victories and advantages, which seemed

²⁷ Walling. p. 175.

to lead to it. That his claim of succession had not from the first procured him one partisan in the kingdom; and the continuance of these destructive hostilities had united every Frenchman in the most implacable animosity against him. That though intestine faction had crept into the government of France, it was abating every moment; and no party, even during the greatest heat of the contest, when subjection under a foreign enemy usually appears preferable to the dominion of fellow-citizens, had ever adopted the pretensions of the king of England. That the king of Navarre himself, who alone was allied with the English, instead of being a cordial friend, was Edward's most dangerous rival, and in the opinion of his partisans possessed a much preferable title to the crown of France. That the prolongation of the war, however it might enrich the English soldiers, was ruinous to the king himself, who bore all the charges of the armament, without reaping any solid or durable advantage from it. That if the present disorders of France continued, that kingdom would soon be reduced to such a state of desolation that it would afford no spoils to its ravagers; if it could establish a more steady government, it might turn the chance of war in its favor, and by its superior force and advantages, be able to repel the present victors. That the dauphin, even during his greatest distresses, had yet conducted himself with so much prudence as to prevent the English from acquiring one foot of land in the kingdom; and

C H A P.

XVI.

1360.

C H A P. it were better for the king to accept by a peace
XVI. what he had in vain attempted to acquire by ho-
1360. stilities, which, however hitherto successful, had
 been extremely expensive, and might prove very
 dangerous. And that Edward having acquired so
 much glory by his arms, the praise of moderation
 was the only honor, to which he could now
 aspire; an honor so much the greater, as it was
 durable, was united with that of prudence, and
 might be attended with the most real advantages²⁸.

Peace of
 Bretigni.

8th May.

THESE reasons induced Edward to accept of
 more moderate terms of peace; and it is probable,
 that, in order to palliate this change of resolution,
 he ascribed it to a vow made during a dreadful
 tempest, which attacked his army on their march,
 and which ancient historians represent as the cause
 of this sudden accommodation²⁹. The conferen-
 ces between the English and French commissioners
 were carried on during a few days at Bretigni in
 the Chartraine, and the peace was at last concluded
 on the following conditions³⁰: It was stipulated
 that king John should be restored to his liberty,
 and should pay as his ransom three millions of
 crowns of gold, about 1,500,000 pounds of our
 present money³¹; which was to be discharged at
 different payments: That Edward should for ever
 renounce all claim to the crown of France, and
 to the provinces of Normandy, Maine, Touraine,

²⁸ Froissard, liv. i. chap. 211.

²⁹ Ibid.

³⁰ Ibid. chap. 212. Rymer, vol. vi. p. 178.

³¹ See note [I] at the end of the volume.

and Anjou, possessed by his ancestors; and should receive in exchange the provinces of Poictou, Xaintonge, l'Agenois, Perigord, the Limousin, Quercy, Rovergue, l'Angoumois, and other districts in that quarter, together with Calais, Guisnes, Montreuil, and the county of Ponthieu, on the other side of France: That the full sovereignty of all these provinces, as well as that of Guienne, should be vested in the crown of England, and that France should renounce all title to feudal jurisdiction, homage, or appeal from them: That the king of Navarre should be restored to all his honors and possessions: That Edward should renounce his confederacy with the Flemings, John his connexions with the Scots: That the disputes concerning the succession of Brittany, between the families of Blois and Mountfort, should be decided by arbiters, appointed by the two kings; and if the competitors refused to submit to the award, the dispute should no longer be a ground of war between the kingdoms: And that forty hostages, such as should be agreed on, should be sent to England as a security for the execution of all these conditions."

C H A P.
XVI.
1260.

"The hostages were the two sons of the French king, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorenci, and many of the chief nobility of France. The princes were mostly released on the fulfilling of certain articles: Others of the hostages, and the duke of Berry among the rest,

C H A P. IN consequence of this treaty, the king of France
 XVI. was brought over to Calais; whither Edward
 1360. also soon after repaired: And there, both princes
 8th July. solemnly ratified the treaty. John was sent to
 Boulogne; the king accompanied him a mile on
 his journey; and the two monarchs parted, with
 many professions, probably cordial and sincere,
 of mutual amity". The good disposition of John
 made him fully sensible of the generous treatment
 which he had received in England, and obliterated
 all memory of the ascendant gained over
 him by his rival. There seldom has been a treaty
 of so great importance so faithfully executed by
 both parties. Edward had scarcely from the
 beginning entertained any hopes of acquiring the
 crown of France: By restoring John to his liberty,
 and making peace at a juncture so favorable
 to his arms, he had now plainly renounced all
 pretensions of this nature: He had sold at a very
 high price that chimerical claim: And had at
 present no other interest than to retain those acquisitions
 which he had made with such singular
 prudence and good fortune. John, on the other
 hand, though the terms were severe, possessed
 such fidelity and honor, that he was determined
 at all hazards to execute them, and to use every
 expedient for satisfying a monarch, who had

were permitted to return upon their parole, which they
 did not keep. Rymer, vol. vi. p. 278. 285. 287.

" Froissard, liv. i. chap. 213.

indeed been his greatest political enemy, but had C H A P.
treated him personally with singular humanity and XVI.
regard. But, notwithstanding his endeavours,
there occurred many difficulties in fulfilling his
purpose; chiefly from the extreme reluctance,
which many towns and vassals in the neighbour-
hood of Guienne, expressed against submitting
to the English dominion^{1363.}; and John, in order
to adjust these differences, took a resolution of
coming over himself to England. His council
endeavoured to dissuade him from this rash de-
sign; and probably would have been pleased to
see him employ more chicanes for eluding the
execution of so disadvantageous a treaty: But
John replied to them, that, though good faith
were banished from the rest of the earth, she
ought still to retain her habitation in the breasts
of princes. Some historians would detract from
the merit of this honorable conduct, by repre-
senting John as enamoured of an English lady, to
whom he was glad, on this pretence, to pay a
visit: But besides, that this surmise is not found-
ed on any good authority, it appears somewhat
unlikely on account of the advanced age of that
prince, who was now in his fifty-sixth year. He
was lodged in the Savoy; the palace where he 1364.
had resided during his captivity, and where he
soon after sickened and died. Nothing can be 25th April.
stronger proof of the great dominion of fortune
over men, than the calamities which pursued a

^{1363.} Froissard, liv. i. chap. 214.

C H A P. monarch of such eminent valor, goodness, and honor, and which he incurred merely by reason of some slight imprudences, which, in other situations, would have been of no importance. But though both his reign and that of his father proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very considerable accessions, those of Dauphiny and Burgundy. This latter province, however, John had the imprudence again to dismember by bestowing it on Philip his fourth son, the object of his most tender affections¹¹; a deed, which was afterwards the source of many calamities to the kingdom.

JOHN was succeeded in the throne by Charles, the Dauphin, a prince educated in the school of adversity, and well qualified, by his consummate prudence and experience, to repair all the losses, which the kingdom had sustained from the errors of his two predecessors. Contrary to the practice of all the great princes of those times, which held nothing in estimation but military courage, he seems to have fixed it as a maxim never to appear at the head of his armies; and he was the first king in Europe, that showed the advantage of policy, foresight, and judgment, above a rash and precipitate valor. The events of his reign, compared with those of the preceding, are a proof, how little reason kingdoms have to value themselves on their victories, or to be

¹¹ Rymer, vol. vi. p. 421.

humbled by their defeats; which in reality ought to be ascribed chiefly to the good or bad conduct of their rulers, and are of little moment towards determining national characters and manners.

C H A P.

XVI.

1364-

BEFORE Charles could think of counterbalancing so great a power as England, it was necessary for him to remedy the many disorders, to which his own kingdom was exposed. He turned his arms against the king of Navarre, the great disturber of France during that age: He defeated this prince by the conduct of Bertrand du Guesclin, a gentleman of Brittany, one of the most accomplished characters of the age, whom he had the discernment to chuse as the instrument of all his victories¹⁶: And he obliged his enemy to accept of moderate terms of peace. Du Guesclin was less fortunate in the wars of Brittany, which still continued, notwithstanding the mediation of France and England: He was defeated and taken prisoner at Auray by Chandos: Charles of Blois was there slain, and the young count of Mountfort soon after got entire possession of that dutchy¹⁷. But the prudence of Charles broke the force of this blow: He submitted to the decision of fortune: He acknowledged the title of Mountfort, though a zealous partisan of England; and received the proffered homage for his dominions. But the chief obstacle which the French king met with in the settlement of the state, proceeded from

State of
France.

¹⁶ Froissard, liv. i. chap. 119, 120.
chap. 227, 228, &c. Walsing, p. 180.

¹⁷ Ibid.

C H A P. obscure enemies, whom their crimes alone rendered eminent, and their number dangerous.

XVI. 1364. ON the conclusion of the treaty of Bretigni, the many military adventurers, who had followed the standard of Edward, being dispersed into the several provinces, and possessed of strong holds, refused to lay down their arms, or relinquish a course of life, to which they were now accustomed, and by which alone they could gain a subsistence¹⁸. They associated themselves with the banditti, who were already inured to the habits of rapine and violence; and under the name of the *companies* and *companions*, became a terror to all the peaceable inhabitants. Some English and Gascon gentlemen of character, particularly Sir Matthew Gournay, Sir Hugh Calverly, the chevalier Verte, and others, were not ashamed to take the command of these ruffians, whose numbers amounted on the whole to near 40,000, and who bore the appearance of regular armies, rather than bands of robbers. These leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was slain¹⁹: And they proceeded to such a height, that they wanted little but regular establishments to become princes, and thereby sanctify, by the maxims of the world, their infamous profession. The greater spoil they committed on the country, the more easy they

¹⁸ Froissard, liv. 1. chap. 214.
214, 215.

¹⁹ Ibid. chap.

found it to recruit their number: All those, who were reduced to misery and despair, flocked to their standard: The evil was every day increasing: And though the pope declared them excommunicated, these military plunderers, however deeply affected with the sentence, to which they paid a much greater regard than to any principles of morality, could not be induced by it to betake themselves to peaceable or lawful professions.

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XVI.

1366.

As Charles was not able by power to redress so enormous a grievance, he was led by necessity, and by the turn of his character, to correct it by policy, and to contrive some method of discharging into foreign countries this dangerous and intestine evil.

PETER, king of Castile, stigmatized by his contemporaries and by posterity, with the epithet of *Cruel*, had filled with blood and murder his kingdom and his own family; and having incurred the universal hatred of his subjects, he kept, from present terror alone, an anxious and precarious possession of the throne. His nobles fell every day the victims of his severity: He put to death several of his natural brothers from groundless jealousy: Each murder, by multiplying his enemies, became the occasion of fresh barbarities: And as he was not destitute of talents, his neighbours, no less than his own subjects, were alarmed at the progress of his violence and injustice. The ferocity of his temper, instead of being softened by his strong propensity to love, was rather inflamed by that passion, and took thence new

C H A P. occasion to exert itself. Instigated by Mary de
XVI. Padilla, who had acquired the ascendant over
1366. him, he threw into prison Blanche de Bourbon, his wife, sister to the queen of France; and soon after made way by poison for the espousing of his mistress.

HENRY, count of Transtamare, his natural brother, seeing the fate of every one who had become obnoxious to this tyrant, took arms against him; but being foiled in the attempt, he sought for refuge in France, where he found the minds of men extremely inflamed against Peter, on account of his murder of the French princess. He asked permission of Charles to enlist the *companies* in his service, and to lead them into Castile; where, from the concurrence of his own friends and the enemies of his brother, he had the prospect of certain and immediate success. The French king, charmed with the project, employed du Guesclin in negotiating with the leaders of these banditti. The treaty was soon concluded. The high character of honor, which that general possessed, made every one trust to his promises: Though the intended expedition was kept a secret, the companies implicitly enlisted under his standard: And they required no other condition before their engagement, than an assurance, that they were not to be led against the prince of Wales in Guienne. But that prince was so little averse to the enterprise, that he allowed some-gentlemen of his retinue to enter into the service under du Guesclin.

DCU GUESCLIN, having completed his levies, led the army first to Avignon, where the pope then resided, and demanded, sword in hand, an absolution for his soldiers, and the sum of 200,000 livres. The first was readily promised him; some more difficulty was made with regard to the second. "I believe, that my fellows," replied du Guesclin, "may make a shift to do without your absolution; but the money is absolutely necessary." The pope then extorted from the inhabitants in the city and neighbourhood the sum of a hundred thousand livres, and offered it to du Guesclin. "It is not my purpose," cried that generous warrior, "to oppress the innocent people. The pope and his cardinals themselves can well spare me that sum from their own coffers. This money, I insist, must be restored to the owners. And should they be defrauded of it, I shall myself return from the other side of the Pyrenees, and oblige you to make them restitution." The pope found the necessity of submitting, and paid him, from his treasury, the sum demanded. The army, hallowed by the blessings, and enriched by the spoils of the church, proceeded on their expedition.

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THESE experienced and hardy soldiers, conducted by so able a general, easily prevailed over the king of Castile, whose subjects, instead of supporting their oppressor, were ready to join the enemy against him. Peter fled from his

" Hist. du Guesclin. " Froissard, liv. 1. chap. 230.

C H A P. dominions, took shelter in Guienne, and
XV L craved the protection of the prince of Wales; whom his father had invested with the sovereignty of these conquered provinces, by the title of the principality of Aquitaine²². The prince seemed now to have entirely changed his sentiments with regard to the Spanish transactions: Whether that he was moved by the generosity of supporting a distressed prince, and thought, as is but too usual among sovereigns, that the rights of the people were a matter of much less consideration; or dreaded the acquisition of so powerful a confederate to France as the new king of Castile; or what is most probable, was impatient of rest and ease, and sought only an opportunity for exerting his military talents, by which he had already acquired so much renown. He promised his assistance to the dethroned monarch; and having obtained the consent of his father, he levied a great army, and set out upon his enterprise. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaster, in the room of the good prince of that name, who had died without any male issue, and whose daughter he had espoused. Chandos also, who bore among the English the same character, which du Guesclin had acquired among the French, commanded under him in this expedition.

1367.
 Expedition
 into Castile.

THE first blow, which the prince of Wales

²² Rymer, vol. vi. p. 384. Froissard, liv. i. chap. 231.

gave to Henry of Transtamare, was the recalling of all the *companies* from his service; and so much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and enlisted under his banners. Henry however, beloved by his new subjects, and supported by the king of Arragon and others of his neighbours, was able to meet the enemy with an army of 100,000 men; forces three times more numerous than those which were commanded by Edward. Du Guesclin, and all his experienced officers, advised him to delay any decisive action, to cut off the prince of Wales's provisions, and to avoid every engagement with a general, whose enterprises had hitherto been always conducted with prudence, and crowned with success. Henry trusted too much to his numbers; and ventured to encounter the English prince at Najara^{3d April.} Historians of that age are commonly very copious in describing the shock of armies in battle, the valor of the combatants, the slaughter and various successes of the day: But though small rencounters in those times were often well disputed, military discipline was always too imperfect to preserve order in great armies; and such actions deserve more the name of routs than of battles. Henry was chased off the field, with the loss of above 20,000 men: There perished only four knights and forty private men on the side of the English.

PETER, who so well merited the infamous epithet

³¹ Froissard, liv. 1. chap. 242.

C H A P. which he bore, purposed to murder all his prisoners
XVI. in cool blood; but was restrained from this barbarity
1367. by the remonstrances of the prince of Wales. All
 Castile now submitted to the victor: Peter was
 restored to the throne: And Edward finished this
 perilous enterprize with his usual glory. But he
 had soon reason to repent his connexions with a
 man like Peter, abandoned to all sense of virtue
 and honor. The ungrateful tyrant refused the
 stipulated pay to the English forces; and Edward,
 finding his soldiers daily perish by sickness, and
 even his own health impaired by the climate,
 was obliged, without receiving any satisfaction
 on this head, to return into Guienne **.

THE barbarities, exercised by Peter over his
 helpless subjects, whom he now regarded as
 vanquished rebels, revived all the animosity of
 the Castilians against him; and on the return of
 Henry of Trānstamare, together with du Guesclin,
 and some forces levied anew in France, the tyrant
 was again dethroned, and was taken prisoner.
 His brother, in resentment of his cruelties, mur-
 dered him with his own hand; and was placed
 on the throne of Castile, which he transmitted
 to his posterity. The duke of Lancaster, who
 espoused in second marriage the eldest daughter of
 Peter, inherited only the empty title of that
 sovereignty, and, by claiming the succession, in-
 creased the animosity of the new king of Castile
 against England.

** Froissard, liv. 1. chap. 242, 243. Walsingham, p. 182.

BUT

BUT the prejudice, which the affairs of prince Edward received from this splendid, though imprudent expedition, ended not with it. He had involved himself in so much debt by his preparations and the pay of his troops, that he found it necessary, on his return, to impose on his principality a new tax, to which some of the nobility consented with extreme reluctance; and to which others absolutely refused to submit⁴. This incident revived the animosity which the inhabitants bore to the English, and which all the amiable qualities of the prince of Wales were not able to mitigate or assuage. They complained, that they were considered as a conquered people, that their privileges were disregarded, that all trust was given to the English alone, that every office of honor and profit was conferred on these foreigners, and that the extreme reluctance, which most of them had expressed, to receive the new yoke, was likely to be long remembered against

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XVI.
1368.
Rupture
with
France.

⁴ This tax was a livre upon a hearth; and it was imagined, that the imposition would have yielded 1,200,000 livres a year, which supposes so many hearths in the provinces possessed by the English. But such loose conjectures have commonly no manner of authority, much less in such ignorant times. There is a strong instance of it in the present reign. The house of commons granted the king a tax of twenty-two shillings on each parish, supposing that the amount of the whole would be 50,000 pounds. But they were found to be in a mistake of near five to one. Cotton, p. 3. And the council assumed the power of augmenting the tax upon each parish.

C H A P. them. They cast, therefore, their eyes towards
XVI. their ancient sovereign, whose prudence, they
1368. found, had now brought the affairs of his kingdom
 into excellent order; and the counts of Armagnac,
 Comminge, and Perigord, the Lord d'Albert,
 with other nobles, went to Paris, and were
 encouraged to carry their complaints to Charles,
 as to their lord paramount, against these oppressions
 of the English government “.

IN the treaty of Bretigni it had been stipulated,
 that the two kings should make renunciations;
 Edward of his claim to the crown of France and
 to the provinces of Normandy, Maine, and Anjou;
 John of the homage and fealty due for Guienne
 and the other provinces ceded to the English.
 But when that treaty was confirmed and renewed
 at Calais, it was found necessary, as Edward
 was not yet in possession of all the territories,
 that the mutual renunciations should for
 some time be deferred; and it was agreed,
 that the parties, mean-while, should make no use
 of their respective claims against each other “.
 Though the failure in exchanging these renuncia-
 tions had still proceeded from France “. Edward
 appears to have taken no umbrage at it; both
 because this clause seemed to give him entire
 security, and because some reasonable apology
 had probably been made to him for each delay.

“ Froissard, liv. i. chap. 244. “ Rymer, vol. vi.
 p. 219. 230. 234. 237. 243. “ Rot. Franc. 35 Edw.
 III. m. 3. from Tyrrel, vol. iii. 643.

It was, however, on this pretence, though directly contrary to treaty, that Charles resolved to ground his claim, of still considering himself as superior lord of those provinces, and of receiving the appeals of his sub vassals".

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BUT as views of policy, more than those of justice, enter into the deliberations of princes; and as the mortal injuries received from the English, the pride of their triumphs, the severe terms imposed by the treaty of peace, seemed to render every prudent means of revenge honorable against them; Charles was determined to take this measure, less by the reasonings of his civilians and lawyers, than by the present situation of the two monarchies. He considered the declining years of Edward, the languishing state of the prince of Wales's health the affection which the inhabitants of all these provinces bore to their ancient master, their distance from England, their vicinity to France, the extreme animosity expressed by his own subjects against these invaders, and their ardent thirst of vengeance; and having silently made all the necessary preparations, he sent to the prince of Wales a summons to appear in his court at Paris, and there to justify his conduct towards his vassals. The prince replied, that he would come to Paris; but it should be at the head of sixty thousand men". The unwarlike character of Charles kept prince Edward, even yet, from thinking, that that monarch

1369

" Froissard, liv. 1. chap. 245. " Ibid. chap. 247, 248.

C H A P. was in earnest, in this bold and hazardous
XVI. attempt.

1370.

**All success of
 the English.**

It soon appeared what a poor return the king had received by his distant conquests for all the blood and treasure expended in the quarrel, and how impossible it was to retain acquisitions, in an age when no regular force could be maintained sufficient to defend them against the revolt of the inhabitants, especially if that danger was joined with the invasion of a foreign enemy. Charles fell first upon Ponthieu, which gave the English an inlet into the heart of France: The citizens of Abbeville opened their gates to him: Those of St. Valleri, Rue, and Crotoy imitated the example, and the whole country was in a little time reduced to submission. The dukes of Berri and Anjou, brothers to Charles, being assisted by du Guesclin, who was recalled from Spain, invaded the southern provinces; and by means of their good conduct, the favourable dispositions of the people, and the ardor of the French nobility, they made every day considerable progress against the English. The state of the prince of Wales's health did not permit him to mount on horseback, or exert his usual activity: Chandos, the constable of Guienne, was slain in one action: The Captal de Buche, who succeeded him in that office, was taken prisoner in another: And when young Edward himself was obliged by his increasing infirmities to throw up the command,

" Walsingham, p. 183.
 liv. 1. chap. 277.

" Ibid. p. 185. Froissard,
 Ibid. chap. 310

and return to his native country, the affairs of the English in the south of France seemed to be menaced with total ruin.

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1370.

THE king, incensed at these injuries, threatened to put to death all the French hostages, who remained in his hands; but on reflection abstained from that ungenerous revenge. After resuming, by advice of parliament, the vain title of king of France¹, he endeavoured to send succours into Gascony; but all his attempts, both by sea and land, proved unsuccessful. The earl of Pembroke was intercepted at sea, and taken prisoner with his whole army near Rochelle by a fleet, which the king of Castile had fitted out for that purpose²: Edward himself embarked for Bourdeaux with another army; but was so long detained by contrary winds, that he was obliged to lay aside the enterprize³. Sir Robert Knolles, at the head of 30,000 men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: He proceeded in his march to the provinces of Maine and Anjou, which he laid waste; but part of his army being there defeated by the conduct of du Guesclin, who was now created constable of France, and who seems to have been the first consummate general that had yet appeared in Europe, the

¹ Rymer, vol. vi. p. 621. Cotton's Abridg. p. 108.

² Froissard, liv. i. chap. 302, 303, 304. Walsingham, p. 186. ³ Ibid. p. 187. Froissard, liv. i. chap. 411.

G H A P. rest were scattered and dispersed, and the small
 XVI remains of the English forces, instead of reaching
 1370. Guienne, took shelter in Brittany, whose sovereign had embraced the alliance of England". The duke of Lancaster, some time after, made a like attempt with an army of 25,000 men; and marched the whole length of France from Calais to Bourdeaux; but was so much harassed by the flying parties which attended him, that he brought not the half of his army to the place of their destination. Edward, from the necessity of his affairs, was at last obliged to conclude a truce with the enemy"; after almost all his ancient possessions in France had been ravished from him, except Bourdeaux and Bayonne, and all his conquests, except Calais.

THE decline of the king's life was exposed to many mortifications, and corresponded not to the splendid and noisy scenes, which had filled the beginning and the middle of it. Besides seeing the loss of his foreign dominions, and being baffled in every attempt to defend them; he felt the decay of his authority at home, and experienced, from the sharpness of some parliamentary remonstrances, the great inconstancy of the people, and the influence of present fortune over all their judgments". This prince, who, during the vigor of his age, had been chiefly occupied in the pursuits of war and ambition,

" Walsingham, p. 185. Froissard, liv. 1. chap. 291.

" Ibid. chap. 311. Walsing. p. 187.

" Ibid. p. 189. Ypod. Neust. p. 530.

began, at an unseasonable period, to indulge himself in pleasure; and being now a widower, he attached himself to a lady of sense and spirit, one Alice Pierce, who acquired a great ascendant over him, and by her influence gave such general disgust, that, in order to satisfy the parliament, he was obliged to remove her from court. The indolence also, naturally attending old age and infirmities, had made him, in a great measure, resign the administration into the hands of his son, the duke of Lancaster, who, as he was far from being popular, weakened extremely the affection; which the English bore to the person and government of the king. Men carried their jealousies very far against the duke; and as they saw with much regret, the death of the prince of Wales every day approaching, they apprehended, lest the succession of his son, Richard, now a minor, should be defeated by the intrigues of Lancaster, and by the weak indulgence of the old king. But Edward, in order to satisfy both the people and the prince on this head, declared in parliament his grandson heir and successor to the crown; and thereby cut off all the hopes of the duke of Lancaster, if he ever had the temerity to entertain any.

THE prince of Wales, after a lingering illness, died in the forty-sixth year of his age; and left a character, illustrious for every eminent virtue, and from his earliest youth till the hour he expired,

1376.
8th June.
Death of
the prince
of Wales.

“ Walsingham, p. 189.

C H A P.
XVI.

1377.
21st June.
Death

and charap-
ter of the
king.

unstained by any blemish. His valor and military talents formed the smallest part of his merit: His generosity, humanity, affability, moderation, gained him the affections of all men; and he was qualified to throw a lustre, not only on that rude age, in which he lived, and which nowise infected him with its vices, but on the most shining period of ancient or modern history. The king survived about a year this melancholy incident: England was deprived at once of both these princes, its chief ornament and support: He expired in the sixty-fifth year of his age and the fifty-first of his reign; and the people were then sensible, though too late, of the irreparable loss which they had sustained.

THE English are apt to consider with peculiar fondness the history of Edward III. and to esteem his reign, as it was one of the longest, the most glorious also, that occurs in the annals of their nation. The ascendant which they then began to acquire over France, their rival and supposed national enemy, makes them cast their eyes on this period with great complacency, and sanctifies every measure, which Edward embraced for that end. But the domestic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigor of his administration, a longer interval of domestic peace and tranquillity than she had been blest with in any former period, or than she experienced for many ages after. He gained the affections of the great, yet curbed their licentiousness: He made them feel his power, without their daring,

or even being inclined, to murmur at it: His affable and obliging behaviour, his munificence and generosity; made them submit with pleasure to his dominion; his valor and conduct made them successful in most of their enterprises; and their unquiet spirits, directed against a public enemy, had no leisure to breed those disturbances, to which they were naturally so much inclined, and which the frame of the government seemed so much to authorize. This was the chief benefit, which resulted from Edward's victories and conquests. His foreign wars were, in other respects, neither founded in justice, nor directed to any salutary purpose. His attempt against the king of Scotland, a minor and a brother in law, and the revival of his grandfather's claim of superiority over that kingdom, were both unreasonable and ungenerous; and he allowed himself to be too easily seduced, by the glaring prospect of French conquests, from the acquisition of a point, which was practicable, and which, if attained, might really have been of lasting utility to his successors. The success, which he met with in France, though chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeseen accidents, was found, even during his life-time, to have procured him no solid advantages. But the glory of a conqueror is so dazzling to the vulgar, the animosity of nations is so violent, that the fruitless desolation of so fine a part of Europe as France, is totally disregarded by us, and is never considered as a

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C H A P. blemish in the character or conduct of this prince.
XVI. And indeed, from the unfortunate state of human
1377. nature, it will commonly happen, that a sovereign
 of genius, such as Edward, who usually finds
 every thing easy in his domestic government,
 will turn himself towards military enterprises,
 where alone he meets with opposition, and where
 he has full exercise for his industry and capacity.

EDWARD had a numerous posterity by his
 queen, Philippa of Hainault. His eldest son was
 the heroic Edward, usually denominated the
 Black Prince, from the color of his armour.
 This prince espoused his cousin Joan, commonly
 called the *Fair Maid of Kent*, daughter and heir
 of his uncle, the earl of Kent, who was beheaded
 in the beginning of this reign. She was first
 married to Sir Thomas Holland, by whom she
 had children. By the prince of Wales, she had
 a son, Richard, who alone survived his father.

THE second son of king Edward (for we pass
 over such as died in their childhood) was Lionel
 duke of Clarence, who was first married to
 Elizabeth de Burgh, daughter and heir of the earl
 of Ulster, by whom he left only one daughter,
 married to Edmund Mortimer, earl of Marche.
 Lionel espoused in second marriage, Violante, the
 daughter of the duke of Milan⁶¹, and died in
 Italy soon after the consummation of his nuptials,
 without leaving any posterity by that princess.

⁶¹ Rymer, vol. vi. p. 364.

Of all the family, he resembled most his father and elder brother in his noble qualities.

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EDWARD's third son was John of Gaunt, so called from the place of his birth: He was created duke of Lancaster; and from him sprang that branch which afterwards possessed the crown. The fourth son of this royal family was Edmund, created earl of Cambridge by his father, and duke of York by his nephew. The fifth son was Thomas, who received the title of earl of Buckingham from his father, and that of duke of Gloucester from his nephew. In order to prevent confusion, we shall always distinguish these two princes by the titles of York and Gloucester, even before they were advanced to them.

THERE were also several princesses born to Edward by Philippa; to wit, Isabella, Joan, Mary, and Margaret, who espoused, in the order of their names, Ingelram de Coucy earl of Bedford, Alphonso king of Castile, John of Mountfort duke of Brittany, and John Hastings earl of Pembroke. The princess Joan died at Bourdeaux before the consummation of her marriage.

It is remarked by an elegant historian **, that Conquerors, though usually the bane of human kind, proved often in those feudal times, the most indulgent of sovereigns: They stood most in need of supplies from their people; and not being able to compel them by force to submit

Miscellaneous transactions of this reign.

** Dr. Robertson's Hist. of Scotland, B. I.

& B A P. to the necessary impositions, they were obliged
 XVI. to make them some compensation, by equitable
 1277. laws and popular concessions. This remark is,
 in some measure, though imperfectly, justified
 by the conduct of Edward III. He took no steps
 of moment without consulting his parliament,
 and obtaining their approbation, which he after-
 wards pleaded as a reason for their supporting his
 measures ". The parliament, therefore, rose into
 greater consideration during his reign, and acquired
 more regular authority than in any former time;
 and even the house of commons, which,
 during turbulent and factious periods, was natu-
 rally depressed by the greater power of the crown
 and barons, began to appear of some weight in
 the constitution. In the later years of Edward,
 the king's ministers were impeached in parliament,
 particularly lord Latimer, who fell a sacrifice to
 the authority of the commons "; and they even
 obliged the king to banish his mistress by their
 remonstrances. Some attention was also paid to
 the election of their members; and lawyers, in
 particular, who were, at that time, men of a
 character somewhat inferior, were totally excluded
 the house during several parliaments ".

ONE of the most popular laws, enacted by any
 prince, was the statute, which passed in the
 twenty-fifth of this reign ", and which limited
 the cases of high treason, before vague and

" Cotton's Abridg. p. 108. 120.

" Ibid. 18.

" Ibid. p. 122.

" Chap. 2.

uncertain, to three principal heads, 'conspiring the death of the king, levying war against him, and adhering to his enemies; and the judges were prohibited, if any other cases should occur, from inflicting the penalty of treason, without an application to parliament. The bounds of treason were indeed so much limited by this statute, which still remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conspiracy for levying war against the king to be equivalent to a conspiracy against his life; and this interpretation, seemingly forced, has, from the necessity of the case, been tacitly acquiesced in. It was also ordained, that a parliament should be held once a year or oftener, if need be: A law which, like many others, was never observed, and lost its authority by disuse."

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EDWARD granted above twenty parliamentary confirmations of the Great Charter; and these concessions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard for their liberties. But the contrary presumption is more natural. If the maxims of Edward's reign had not been in general somewhat arbitrary, and if the Great Charter had not been frequently violated, the parliament would never have applied for these frequent confirmations, which could add no force to a deed regularly observed, and which could serve to no other purpose, than to prevent the contrary precedents from turning

⁶⁷ 4 Edw. III, chap. 14.

C H A P. into a rule, and acquiring authority. It was
XVI. indeed the effect of the irregular government
1377. during those ages, that a statute, which had been enacted some years, instead of acquiring, was imagined to lose force, by time, and needed to be often renewed by recent statutes of the same sense and tenor. Hence likewise that general clause, so frequent in old acts of parliament, that the statutes, enacted by the king's progenitors, should be observed " ; a precaution, which, if we do not consider the circumstances of the times, might appear absurd and ridiculous. The frequent confirmations in general terms of the privileges of the church proceeded from the same cause.

It is a clause in one of Edward's statutes, *that no man, of what estate or condition soener, shall be put out of land or tenement, nor taken nor imprisoned, nor disherited, nor put to death, without being brought in answer by due process of the law* ". This privilege was sufficiently secured by a clause of the Great Charter, which had received a general confirmation in the first chapter of the same statute. Why then is the clause so anxiously, and, as we may think, so superfluously repeated? Plainly, because there had been some late infringements of it, which gave umbrage to the commons "

" 36 Edw. III. chap. 1. 37 Edw. III. cap. 1, &c.

" 28 Edw. III. cap. 3. " They assert, in the 15th of this reign, that there had been such instances. Cotton's Abridg. p. 31. They repeat the same in the 21st year. See P. 59.

BUT there is no article, in which the laws are C H A P.
 more frequently repeated during this reign, xvi.
 almost in the same terms, than that of purveyance, 1377.
 which the parliament always calls an *outrageous*
 and *intolerable* grievance, and the source of *infinite*
 damage to the people ⁷¹. The parliament tried
 to abolish this prerogative altogether, by pro-
 hibiting any one from taking goods without the
 consent of the owners ⁷², and by changing the
heinous name of *purveyors*, as they term it, into
 that of *buyers* ⁷³: But the arbitrary conduct of
 Edward still brought back the grievance upon
 them; though contrary both to the Great Charter,
 and to many statutes. This disorder was in a
 great measure derived from the state of the public
 finances and of the kingdom; and could therefore
 the less admit of remedy. The prince frequently
 wanted ready money; yet his family must be substi-
 tuted: He was therefore obliged to employ force and
 violence for that purpose, and to give tallies,
 at what rate he pleased, to the owners of the
 goods which he laid hold of. The kingdom also
 abounded so little in commodities, and the interior
 communication was so imperfect, that, had the
 owners been strictly protected by law, they could
 easily have exacted any price from the king;
 especially in his frequent progresses, when he
 came to distant and poor places, where the court
 did not usually reside, and where a regular plan

⁷¹ 36 Edw. III. &c. ⁷² 14 Edw. III. cap. 19.

⁷³ 36 Edw. III. cap. 2.

C H A P. for supplying it could not easily be established.
 XVI. Not only the king, but several great lords,
 1377. insisted upon this right of purveyance within certain districts ”.

THE magnificent castle of Windsor was built by Edward III. and his method of conducting the work may serve as a specimen of the condition of the people in that age. Instead of engaging workmen by contracts and wages, he assessed every county in England to send him a certain number of masons, tilers, and carpenters, as if he had been levying an army ”.

They mistake, indeed, very much the genius of this reign, who imagine that it was not extremely arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what gave some consolation, and promised in time some relief to the people, they were always complained of by the commons: Such as the dispensing power ”; the extension of the forests ”; erecting monopolies ”; exacting loans ”; stopping justice by particular warrans ”; the renewal of the commission of *trailbaton* ”; pressing men and ships into the public service ”; levying arbitrary and exorbitant

” 7 Rich. II. cap. 8. ” Ashmole's hist. of the garter, p. 129. ” Cotton's Abridg. p. 148.

” Cotton, p. 71. ” Cotton's Abridg. p. 56. 61. 122.

” Rymer, vol. v. p. 491. 574. Cotton's Abridg. p. 56.

” Cotton, p. 114. ” Ibid. p. 67.

” Cotton's Abridg. p. 47. 79. 113.

finis

finer"; extending the authority of the privy council or star-chamber to the decision of private causes"; enlarging the power of the marshal's and other arbitrary courts"; imprisoning members for freedom of speech in parliament"; obliging people without any rule to send recruits of men at arms, archers, and hobblers to the army".

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BUT there was no act of arbitrary power more frequently repeated in this reign, than that of imposing taxes without consent of parliament. Though that assembly granted the king greater supplies than had ever been obtained by any of his predecessors, his great undertakings and the necessity of his affairs obliged him to levy still more; and after his splendid success against France had added weight to his authority, these arbitrary impositions became almost annual and perpetual. Cotton's Abridgment of the records affords numerous instances of this kind, in the first " year of his reign; in the thirteenth year", in the fourteenth", in the twentieth", in the twenty-first", in the twenty-second", in the twenty-fifth", in the thirty-eighth", in the fiftieth", and in the fifty-first".

- " Cotton, p. 32. " Ibid. p. 74. " Ibid.
" Walsing. p. 189, 190. " Tyrrel's Hist. vol. viii.
p. 454, from the records. " Rymer, vol. iv. p. 363.
" P. 17, 18. " Rymer, vol. iv. p. 39.
" P. 47. " P. 52, 53, 57, 58. " P. 69.
" P. 76. " P. 101. " P. 138. " P. 152.

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Z

CHAPTER. The king openly avowed and maintained this
 XVI. power of levying taxes at pleasure. At one time, he
 1377. replied to the remonstrances made by the commons
 against it, that the impositions had been exacted
 from great necessity, and had been assented to by
 the prelates, earls, barons, and *some* of the com-
 mons⁹⁹; at another, that he would advise with his
 council¹⁰⁰. When the parliament desired, that a law
 might be enacted for the punishment of such as levied
 these arbitrary impositions, he refused compli-
 ance¹⁰¹. In the subsequent year, they desired
 that the king might renounce this pretended
 prerogative; but his answer was, that he would
 levy no taxes without necessity, for the defence
 of the realm, and where he reasonably might use
 that authority¹⁰². This incident passed a few days
 before his death; and these were, in a manner,
 his last words to his people. It would seem,
 that the famous charter or statute of Edward I. *de*
tallagio non concedendo, though never repealed, was
 supposed to have already lost by age all its
 authority.

THESE facts can only show the *practice* of the
 times: For as to the *right*, the continual remonstran-
 ces of the commons may seem to prove that it rath-
 er lay on their side: At least, these remonstrances
 served to prevent the arbitrary practices of the

⁹⁹ Cotton, p. 53. He repeats the same answer in p. 60.
Some of the commons were such as he should be pleased to
 consult with. ¹⁰⁰ Cotton, p. 57. ¹⁰¹ Ibid. p. 138.

¹⁰² Ibid. p. 132.

court from becoming an established part of the constitution. In so much a better condition were the privileges of the people even during the arbitrary reign of Edward III. than during some subsequent ones, particularly those of the Tudors, where no tyranny or abuse of power ever met with any check or opposition, or so much as a remonstrance, from parliament.

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In this reign we find, according to the sentiments of an ingenious and learned author, the first strongly marked and probably contested distinction between a proclamation by the king and his privy-council, and a law which had received the assent of the lords and commons¹⁰².

It is easy to imagine, that a prince of so much sense and spirit as Edward, would be no slave to the court of Rome. Though the old tribute was paid during some years of his minority¹⁰³, he afterwards withheld it; and when the pope in 1367 threatened to cite him to the court of Rome, for default of payment, he laid the matter before his parliament. That assembly unanimously declared, that king John could not, without a national consent, subject his kingdom to a foreign power: And that they were therefore determined to support their sovereign against this unjust pretension¹⁰⁴.

¹⁰² Observations on the statutes, p. 193.

¹⁰³ Rymer, vol. iv. p. 434.
p. 110.

¹⁰⁴ Cotton's Abridg.

C H A P. DURING this reign, the statute of provisors
XVI. was enacted, rendering it penal to procure any
1377. presentations to benefices from the court of Rome, and securing the rights of all patrons and electors, which had been extremely encroached on by the pope ¹⁰⁶. By a subsequent statute, every person was out-lawed who carried any cause by appeal to the court of Rome ¹⁰⁶.

THE laity at this time seem to have been extremely prejudiced against the papal power, and even somewhat against their own clergy, because of their connexions with the Roman pontiff. The parliament pretended, that the usurpations of the pope were the cause of all the plagues, injuries, famine, and poverty of the realm; were more destructive to it than all the wars; and were the reason why it contained not a third of the inhabitants and commodities, which it formerly possessed: That the taxes, levied by him, exceeded five times those which were paid to the king: That every thing was venal in that sinful city of Rome; and that even the patrons in England had thence learned to practise simony without shame or remorse ¹⁰⁷. At another time, they petition the king to employ no churchman in any office of state ¹⁰⁸; and they even speak in plain terms, of expelling by force the papal authority, and thereby providing a remedy against

¹⁰⁶ 25 Edw. III. 27 Edw. III. ¹⁰⁷ 27 Edw. III.
¹⁰⁸ 38 Edw. III. ¹⁰⁹ Cotton, p. 74-128, 129.
¹¹⁰ Ibid. 112.

oppressions, which they neither could nor would any longer endure.¹⁰⁹ Men who talked in this strain, were not far from the reformation: But Edward did not think proper to second all this zeal. Though he passed the statute of provisors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head¹¹⁰. He was content with having reduced such of the Romish ecclesiastics, as possessed revenues in England, to depend entirely upon him by means of that statute.

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As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed: Yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity¹¹¹; were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed against those criminals. The nobility were brought to give their promise in parliament, that they would not avow, retain, or support any felon or breaker of the law¹¹²; yet this engagement, which we may wonder to see exacted from men of their

¹⁰⁹ Cotton, p. 41. ¹¹⁰ Ibid. p. 119. 128, 129, 130. 148.

¹¹¹ 11 Edw. III. cap. 14. 4 Edw. III. cap. 2. 15 Edw. III. cap. 4.

¹¹² Cotton, p. 10.

C H · A P. rank, was never regarded by them. The commons
 XVI. make continual complaints of the multitude of
 1377. robberies, murders, rapes, and other disorders, which, they say, were become numberless in every part of the kingdom, and 'which they always ascribe to the protection that the criminals received from the great ¹¹³. The king of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway with his whole retinue ¹¹⁴. Edward himself contributed to this dissolution of law, by his facility in granting pardons to felons from the solicitations of the courtiers. Laws were made to retrench this prerogative ¹¹⁵, and remonstrances of the commons were presented against the abuse of it ¹¹⁶: But to no purpose. The gratifying of a powerful nobleman continued still to be of more importance than the protection of the people. The king also granted many franchises, which interrupted the course of justice and the execution of the laws ¹¹⁷.

COMMERCE and industry were certainly at a very low ebb during this period. The bad police of the country alone affords a sufficient reason. The only exports were wool, skins, hides, leather, butter, tin, lead, and such unmanufactured goods, of which wool was by far the most considerable. Knyghton has asserted, that 100,000 sacks of wool were annually exported, and sold at twenty

¹¹³ Cotton, p. 51. 62. 70. 160. ¹¹⁴ Walsing.
 p. 170. ¹¹⁵ 10 Edw. III. cap. 2. 27 Edw. III. cap. 2.
¹¹⁶ Cotton, p. 75. ¹¹⁷ Ibid. p. 54.

pounds a sack, money of that age. But he is **C H A R**
 widely mistaken both in the quantity exported **XVI.**
 and in the value. In 1349, the parliament remon- **1377**
 strate, that the king, by an illegal imposition of
 forty shillings on each sack exported, had levied
 60,000 pounds a year¹¹⁸: Which reduces the
 annual exports to 30,000 sacks. A sack contained
 twenty-six stone, and each stone fourteen
 pounds¹¹⁹; and at a medium was not valued at
 above five pounds a sack¹²⁰, that is, fourteen or
 fifteen pounds of our present money. Knyghton's
 computation raises it to sixty pounds, which is
 near four times the present price of wool in
 England. According to this reduced computation,
 the export of wool brought into the kingdom
 about 450,000 pounds of our present money,
 instead of six millions, which is an extravagant
 sum. Even the former sum is so high, as to
 afford a suspicion of some mistake in the compu-
 tation of the parliament with regard to the number
 of sacks exported. Such mistakes were very usual
 in those ages.

EDWARD endeavoured to introduce and promote
 the woollen manufacture by giving protection and
 encouragement to foreign weavers¹²¹, and by
 enacting a law, which prohibited every one from
 wearing any cloth but of English fabric¹²². The

¹¹⁸ Cotton, p. 48. 69.

¹¹⁹ Cotton, p. 29.

¹²⁰ 34 Edw. III. cap. 5.

¹²¹ 11 Edw. III. cap. 5.

Rymer, vol. iv. p. 723. Murimuth, p. 88.

¹²² 11 Edw. III. cap. 2.

C H A P. parliament prohibited the exportation of woollen goods, which was not so well judged, especially while the exportation of unwrought wool was so much allowed and encouraged. A like injudicious law was made against the exportation of manufactured iron ¹³³.

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IT appears from a record in the exchequer, that in 1354 the exports of England amounted to 294,184 pounds seventeen shillings and two-pence: The imports to 38,970 pounds three shillings and six-pence money of that time. This is a great balance, considering that it arose wholly from the exportation of raw wool and other rough materials. The import was chiefly linen and fine cloth, and some wine. England seems to have been extremely drained at this time by Edward's foreign expeditions and foreign subsidies which, probably was the reason, why the exports so much exceed the imports.

THE first toll we read of in England, for mending the highways, was imposed in this reign: It was that for repairing the road between St. Giles's and Temple-Bar ¹³⁴.

IN the first of Richard II. the parliament complains extremely of the decay of shipping during the preceding reign, and assert, that one sea-port formerly contained more vessels than were then to be found in the whole kingdom. This calamity, they ascribe to the arbitrary seizure of

¹³³ 28 Edw. III. cap. 5.
p. 520.

¹³⁴ Rymer, vol. v.

ships by Edward, for the service of his frequent expeditions ¹¹¹. The parliament in the fifth of Richard renew the same complaint ¹¹², and we likewise find it made in the forty-sixth of Edward III. So false is the common opinion, that this reign was favorable to commerce.

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THERE is an order of this king, directed to the mayor and sheriffs of London, to take up all ships of forty tun and upwards to be converted into ships of war ¹¹³.

THE parliament attempted the impracticable scheme of reducing the price of labor after the pestilence, and also that of poultry ¹¹⁴. A reaper, in the first week of August, was not allowed above two pence a day, or near six pence of our present money; in the second week a third more. A master carpenter was limited through the whole year to three pence a day, a common carpenter to two pence, money of that age ¹¹⁵. It is remarkable, that, in the same reign, the pay of a common foldier, an archer, was six-pence a day; which, by the change, both in denomination and value, would be equivalent to near five shillings of our present money ¹¹⁶. Soldiers were

¹¹¹ Cotton, p. 155. 164.

¹¹² Rymer, vol. iv. p. 664.

¹¹³ 25 Edw. III. cap. 1. 3.

¹¹⁴ Cap. 3.

¹¹⁵ 37 Edw. III. cap. 3.

¹¹⁶ Dugdale's Baronage, vol. i. p. 784. Brady's hist. vol. ii. App. N°. 92. The pay of a man at arms was quadruple. We may therefore conclude, that the numerous armies, mentioned by historians in those times, consisted chiefly of ragamuffins, who followed the camp, and lived

C H A P. then enlisted only for a very short time: They
 XVI. lived idle all the rest of the year, and commonly
 1377. all the rest of their lives: One successful campaign,
 by pay and plunder, and the ransom of prisoners,
 was supposed to be a small fortune to a man;
 which was a great allurements to enter into the
 service¹¹¹.

THE staple of wool, wool-fells, leather, and
 lead, was fixed by act of parliament in particular
 towns of England¹¹². Afterwards it was removed
 by law to Calais: But Edward, who commonly
 deemed his prerogative above law, paid little
 regard to these statutes; and when the parliament
 remonstrated with him on account of those acts
 of power, he plainly told them, that he would
 proceed in that matter as he thought proper¹¹³.
 It is not easy to assign the reason of this great
 anxiety for fixing a staple; unless perhaps it invited
 foreigners to a market, when they knew beforehand,

by plunder. Edward's army before Calais consisted of ; 1,094
 men; yet its pay for sixteen months was only 127,201 pounds.
 Brady, *ibid*.

¹¹¹ Commodities seem to have risen since the Conquest.
 Instead of being ten times cheaper than at present, they
 were in the age of Edward III. only three or four times.
 This change seems to have taken place in a great measure
 since Edward I. The allowance granted by Edward III. to
 the earl of Murray, then a prisoner in Nottingham castle,
 is one pound a week; whereas the bishop of St. Andrews,
 the primate of Scotland, had only six-pence a day allowed
 him by Edward I. ¹¹² 27 Edw. III.

¹¹³ Cotton, p. 117.

that they should there meet with great choice of any particular species of commodity. This policy of inviting foreigners to Calais was carried so far, that all English merchants were prohibited by law from exporting any English goods from the staple; which was in a manner the total abandoning of all foreign navigation, except that to Calais ¹³⁷. A contrivance seemingly extraordinary.

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It was not till the middle of this century that the English began to extend their navigation even to the Baltic ¹³⁸; nor till the middle of the subsequent, that they sailed to the Mediterranean ¹³⁹.

LUXURY was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to restrain it, particularly on the head of apparel, where surely it is the most obviously innocent and inoffensive. No man under a hundred a year was allowed to wear gold, silver, or silk in his clothes: Servants also were prohibited from eating flesh meat, or fish, above once a day ¹⁴⁰. By another law it was ordained, that no one should be allowed, either for dinner or supper, above three dishes in each course, and not above two courses: And it is likewise expressly declared, that *soused* meat is to count as one of these dishes ¹⁴¹. It was easy to foresee that such

¹³⁶ 27 Edward. III. cap. 7.

¹³⁵ Anderson, vol. i. p. 151.

¹³⁷ Id. p. 177.

¹³⁷ Edw. III.

cap. 8, 9, 10, &c.

¹³⁸ 10 Edw. III.

G H A P. ridiculous laws must prove ineffectual, and could never be executed.

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THE use of the French language, in pleadings and public deeds, was abolished¹¹⁹. It may appear strange, that the nation should so long have worn this badge of conquest: But the king and nobility seem never to have become thoroughly English, or to have forgotten their French extraction, till Edward's wars with France gave them an antipathy to that nation. Yet still, it was long before the use of the English tongue came into fashion. The first English paper which we meet with in Rymer is in the year 1386, during the reign of Richard II¹²⁰. There are Spanish papers in that collection of more ancient date¹²¹: And the use of the Latin and French still continued.

We may judge of the ignorance of this age in geography, from a story told by Robert of Avesbury. Pope Clement VI. having, in 1344, created Lewis of Spain prince of *the fortunate Islands*, meaning the Canaries, then newly discovered; the English ambassador at Rome and his retinue were seized with an alarm, that Lewis had been created king of England; and they immediately hurried home, in order to convey this important intelligence. Yet such was the

¹¹⁹ 36 Edw. III. cap. 15.

¹²⁰ Rymer, vol. vii. p. 526. This paper, by the style, seems to have been drawn by the Scots, and was signed by the wardens of the marches only.

¹²¹ Rymer, vol. vi. p. 554.

ardor for study at this time, that Speed in his c H A P. XVI. 1377. Chronicle informs us, there were then 30,000 students in the university of Oxford alone. What was the occupation of all these young men? To learn very bad Latin, and still worse Logic.

IN 1364, the commons petitioned, that, in consideration of the preceding pestilence, such persons as possessed manors holding of the king in chief, and had let different leases without obtaining licences, might continue to exercise the same power, till the country were become more populous^{***}. The commons were sensible, that this security of possession was a good means for rendering the kingdom prosperous and flourishing; yet durst not apply, all at once, for a greater relaxation of their chains.

THERE is not a reign among those of the ancient English monarchs, which deserves more to be studied than that of Edward III. nor one where the domestic transactions will better discover the true genius of that kind of mixed government, which was then established in England. The struggles, with regard to the validity and authority of the great charter, were now over: The king was acknowledged to lie under some limitations: Edward himself was a prince of great capacity, not governed by favorites, not led astray by any unruly passion, sensible that nothing could be more essential to his interests than to keep on good terms with his people: Yet on the whole

^{***} Cotton, p. 97.

C H A P. it appears, that the government, at best, was
XVI. only a barbarous monarchy, not regulated by
1377. any fixed maxims, or bounded by any certain undisputed rights, which in practice were regularly observed. The king conducted himself by one set of principles; the barons by another; the commons by a third; the clergy by a fourth. All these systems of government were opposite and incompatible: Each of them prevailed in its turn, as incidents were favorable to it: A great prince rendered the monarchical power predominant: The weakness of a king gave reins to the aristocracy: A superstitious age saw the clergy triumphant: The people, for whom chiefly government was instituted, and who chiefly deserve consideration, were the weakest of the whole. But the commons, little obnoxious to any other order; though they sunk under the violence of tempests, silently reared their head in more peaceable times; and while the storm was brewing, were courted by all sides, and thus received still some accession to their privileges, or, at worst, some confirmation of them.

It has been an established opinion, that gold coin was not struck till this reign: But there has lately been found proof that it is as ancient as Henry III.¹⁴¹

¹⁴¹ See Observations on the more ancient Statutes, p. 175. 2d edit.

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R I C H A R D II.

Government during the minority. — Insurrection of the common people. — Discontents of the barons. — Civil commotions. — Expulsion or execution of the king's ministers. — Cabals of the duke of Gloucester. — Murder of the duke of Gloucester. — Banishment of Henry duke of Hereford. — Return of Henry. — General insurrection. — Deposition of the king. — His murder. — His character. — Miscellaneous transactions during this reign.

THE parliament, which was summoned soon after the king's accession, was both elected and assembled in tranquillity; and the great change, from a sovereign of consummate wisdom and experience to a boy of eleven years of age, was not immediately felt by the people. The habits of order and obedience, which the barons had been taught during the long reign of Edward, still influenced them; and the authority of the king's three uncles, the dukes of Lancaster, York, and Gloucester, sufficed to repress, for a time, the turbulent spirit, to which that order, in a weak reign, was so often subject. The dangerous ambition too of these princes themselves was checked, by the plain and undeniable title of

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Government during the minority.

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1377. Richard, by the declaration of it made in parliament, and by the affectionate regard, which the people bore to the memory of his father, and which was naturally transferred to the young sovereign upon the throne. The different characters also of these three princes rendered them a counterpoise to each other; and it was natural to expect, that any dangerous designs, which might be formed by one brother, would meet with opposition from the others. Lancaster, whose age and experience, and authority under the late king, gave him the ascendant among them; though his integrity seemed not proof against great temptations, was neither of an enterprising spirit; nor of a popular and engaging temper. York was indolent, unactive, and of slender capacity. Gloucester was turbulent, bold, and popular; but being the youngest of the family, was restrained by the power and authority of his elder brothers. There appeared, therefore, no circumstance in the domestic situation of England, which might endanger the public peace, or give any immediate apprehensions to the lovers of their country.

BUT as Edward, though he had fixed the succession to the crown, had taken no care to establish a plan of government during the minority of his grandson; it behoved the parliament to supply this defect: And the house of commons distinguished themselves, by taking the lead on the occasion. This house, which had been rising to consideration during the whole course of the late

late reign, naturally received an accession of power during the minority; and as it was now becoming a scene of business, the members chose for the first time a speaker, who might preserve order in their debates, and maintain those forms, which are requisite in all numerous assemblies. Peter de la Mare was the man pitched on; the same person that had been imprisoned and detained in custody by the late king for his freedom of speech, in attacking the mistress and the ministers of that prince. But though this election discovered a spirit of liberty in the commons, and was followed by farther attacks both on these ministers, and on Alice Pierce¹, they were still too sensible of their great inferiority, to assume at first any immediate share in the administration of government, or the care of the king's person. They were content to apply by petition to the lords for that purpose, and desire them, both to appoint a council of nine, who might direct the public business, and to chuse men of virtuous life and conversation, who might inspect the conduct and education of the young prince. The lords complied with the first part of this request, and elected the bishops of London, Carlisle, and Salisbury, the earls of Marche and Stafford, Sir Richard de Stafford, Sir Henry le Scrope, Sir John Devereux, and Sir Hugh Segrave, to whom they gave authority for a year to conduct the ordinary course of

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¹ Walsing. p. 150.
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C H A P. business². But as to the regulation of the king's
 XVII. household, they declined interposing in an office,
 1377. which, they said, both was invidious in itself,
 and might prove disagreeable to his majesty.

THE commons, as they acquired more courage, ventured to proceed a step farther in their applications. They presented a petition, in which they prayed the king to check the prevailing custom among the barons of forming illegal confederacies, and supporting each other, as well as men of inferior rank, in the violations of law and justice. They received from the throne a general and an obliging answer to this petition: But another part of their application, that all the great officers should, during the king's minority, be appointed by parliament, which seemed to require the concurrence of the commons, as well as that of the upper house, in the nomination, was not complied with: The lords alone assumed the power of appointing these officers: The commons tacitly acquiesced in the choice; and thought, that, for the present, they themselves had proceeded a sufficient length, if they but advanced their pretensions, though rejected, of interposing in these more important matters of state.

ON this foot then the government stood. The administration was conducted entirely in the king's name: No regency was expressly appointed: The nine counsellors and the great officers, named by the peers, did their duty, each in his respective

² Rymer, vol. vii. p. 161.

department: And the whole system was for some years kept together, by the secret authority of the king's uncles, especially of the duke of Lancaster, who was in reality the regent.

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THE parliament was dissolved, after the commons had represented the necessity of their being re-assembled once every year, as appointed by law; and after having elected two citizens as their treasurers, to receive and disburse the produce of two fifteenths and tenths, which they had voted to the crown. In the other parliaments called during the minority, the commons still discover a strong spirit of freedom and a sense of their own authority, which, without breeding any disturbance, tended to secure their independence and that of the people¹.

EDWARD had left his grandson involved in many dangerous wars. The pretensions of the duke of Lancaster to the crown of Castile, made that kingdom still persevere in hostilities against England. Scotland, whose throne was now filled by Robert Stuart, nephew to David Bruce, and the first prince of that family, maintained such close connexions with France, that war with one crown almost inevitably produced hostilities with the other. The French monarch, whose prudent conduct had acquired him the surname of *wise*, as he had already baffled all the experience and valor of the two Edwards, was likely to prove a dangerous enemy to a minor king: But

¹ See note [K] at the end of the volume.

C H A P. his genius, which was not naturally enterprizing, led him not, at present, to give any disturbance to his neighbours; and he labored, besides, under many difficulties at home, which it was necessary for him to surmount, before he could think of making conquests in a foreign country. England was master of Calais, Bourdeaux, and Bayonne; had lately acquired possession of Cherbourg, from the cession of the king of Navarre, and of Brest from that of the duke of Brittany^{*}; and having thus an easy entrance into France from every quarter, was able, even in its present situation, to give disturbance to his government. Before Charles could remove the English from these important posts, he died in the flower of his age, and left his kingdom to a minor son, who bore the name of Charles VI.

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MEANWHILE, the war with France was carried on in a manner somewhat languid, and produced no enterprise of great lustre or renown. Sir Hugh Calverly, governor of Calais, making an inroad into Picardy, with a detachment of the garrison, set fire to Boulogne[†]. The duke of Lancaster conducted an army into Brittany, but returned without being able to perform any thing memorable. In a subsequent year, the duke of Gloucester marched out of Calais with a body of 2000 cavalry, and 8000 infantry; and scrupled not, with his small army, to enter into the heart of France, and to continue his ravages,

^{*} Rymer, vol. vii. p. 190.[†] Walsing. p. 209.

through Picardy, Champagne, the Brie, the Beauffe, the Gatinois, the Orleanois, till he reached his allies in the province of Brittany. The duke of Burgundy, at the head of a more considerable army, came within fight of him; but the French were so over-awed by the former successes of the English, that no superiority of numbers could tempt them to venture a pitched battle with the troops of that nation. As the duke of Brittany, soon after the arrival of these succours, formed an accommodation with the court of France; this enterprize also proved in the issue unsuccessful, and made no durable impression upon the enemy.

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THE expences of these armaments, and the usual want of œconomy attending a minority, much exhausted the English treasury, and obliged the parliament, besides making some alterations in the council, to impose a new and unusual tax of three groats on every person, male and female, above fifteen years of age; and they ordained, that, in levying that tax, the opulent should relieve the poor by an equitable compensation. This imposition produced a mutiny, which was singular in its circumstances. All history abounds with examples, where the great tyrannise over the meaner sort: But here the lowest populace rose against their rulers, committed the most cruel ravages upon them, and took vengeance for all former oppressions.

* Froissard, liv. 2. chap. 50, 51. Walsing. p. 239.

C H A P. **THE** faint dawn of the arts and of good
XVII. **government** in that age, had excited the minds
1381. of the populace, in different states of Europe, to wish for a better condition, and to murmur against those chains, which the laws, enacted by the haughty nobility and gentry, had so long imposed upon them. The commotions of the people in Flanders, the mutiny of the peasants in France, were the natural effects of this growing spirit of independence; and the report of these events, being brought into England, where personal slavery, as we learn from Froissard⁷, was more general than in any other country in Europe, had prepared the minds of the multitude for an insurrection. One John Ball also, a seditious preacher, who affected low popularity, went about the country, and inculcated on his audience the principles of the first origin of mankind from one common stock, their equal right to liberty and to all the goods of nature, the tyranny of artificial distinctions, and the abuses which had arisen from the degradation of the more considerable part of the species, and the aggrandizement of a few insolent rulers⁸. These doctrines, so agreeable to the populace, and so conformable to the ideas of primitive equality, which are engraven in the hearts of all men, were greedily received by the multitude; and scattered

⁷ Liv. 2. chap. 74.
 Walsingham, p. 275.

⁸ Froissard, liv. 2. chap. 74.

the sparks of that sedition, which the present tax C H A P.
raised into a conflagration *.

THE imposition of three groats a head had
been farmed out to tax-gatherers in each county,
who levied the money on the people with rigor;
and the clause, of making the rich ease their
poorer neighbours of some share of the burden,
being so vague and undeterminate, had doubtless
occasioned many partialities, and made the people
more sensible of the unequal lot, which fortune
had assigned them in the distribution of her
favors. The first disorder was raised by a black-
smith in a village of Essex. The tax-gatherers
came to this man's shop, while he was at work;
and they demanded payment for his daughter,
whom he asserted to be below the age assigned
by the statute. One of these fellows offered to
produce a very indecent proof to the contrary,
and at the same time laid hold of the maid:
Which the father resenting, immediately knocked
out the ruffian's brains with his hammer. The
bystanders applauded the action, and exclaimed,
that it was full time for the people to take
vengeance on their tyrants, and to vindicate their
native liberty. They immediately flew to arms:
The whole neighbourhood joined in the sedition:

XVII.

1381.

Infurrec-
tions of the
common
people.

* There were two verses at that time in the mouths of
all the common people, which, in spite of prejudice, one
cannot but regard with some degree of approbation:

When Adam delv'd and Eve span,
Where was then the gentleman?

A a 4

C H A P. The flame spread in an instant over the county :
XVII. It soon propagated itself into that of Kent , of
1381. Hertford , Surrey , Suffex , Suffolk , Norfolk ,
 Cambridge , and Lincoln. Before the government
 had the least warning of the danger, the disorder
 had grown beyond controul or opposition : The
 populace had shaken off all regard to their former
 masters : And being headed by the most audacious
 and criminal of their associates , who assumed
 the feigned names of Wat Tyler , Jack Straw ,
 Hob Carter , and Tom Miller , by which they
 were fond of denoting their mean origin , they
 committed every where the most outrageous
 violence on such of the gentry or nobility as had
 the misfortune to fall into their hands.

13th June. THE mutinous populace , amounting to a
 hundred thousand men, assembled on Black-heath,
 under their leaders, Tyler and Straw ; and as the
 princess of Wales , the king's mother , returning
 from a pilgrimage to Canterbury , passed through
 the midst of them, they insulted her attendants,
 and some of the most insolent among them, to
 show their purpose of levelling all mankind ,
 forced kisses from her ; but they allowed her to
 continue her journey , without attempting any
 farther injury *. They sent a message to the
 king , who had taken shelter in the Tower ; and
 they desired a conference with him. Richard
 failed down the river in a barge for that purpose ;
 but on his approaching the shore , he saw such

* Froissard , liv. 2. chap. 74.

symptoms of tumult and insolence, that he put back and returned to that fortress¹¹. The seditious peasants, meanwhile, favored by the populace of London, had broken into the city; had burned the duke of Lancaster's palace of the Savoy; cut off the heads of all the gentlemen whom they laid hold of; expressed a particular animosity against the lawyers and attornies; and pillaged the warehouses of the rich merchants¹². A great body of them quartered themselves at Mile-end; and the king, finding no defence in the Tower, which was weakly garrisoned, and ill supplied with provisions, was obliged to go out to them, and ask their demands. They required a general pardon, the abolition of slavery, freedom of commerce in market-towns without toll or impost, and a fixed rent on lands instead of the services due by villanage. These requests, which, though extremely reasonable in themselves, the nation was not sufficiently prepared to receive, and which it was dangerous to have extorted by violence, were however complied with; charters to that purpose were granted them; and this body immediately dispersed and returned to their several homes¹³.

DURING this transaction, another body of the rebels had broken into the Tower; had murdered Simon Sudbury, the primate, and

¹¹ Froissard, liv. ii. chap. 75.
76. Walsingham, p. 248, 249.
liv. 2. chap. 77.

¹² Ibid. chap.
¹³ Froissard,

C H A P. chancellor, with Sir Robert Hales, the treasurer,
XVII. and some other persons of distinction; and con-
1281. tinued their ravages in the city ". The king,
 passing along Smithfield, very slenderly guarded,
 met with Wat Tyler, at the head of these rioters,
 and entered into a conference with him. Tyler,
 having ordered his companions to retire till he
 should give them a signal, after which they were
 to murder all the company except the king
 himself, whom they were to detain prisoner,
 feared not to come into the midst of the royal
 retinue. He there behaved himself in such a
 manner, that Walworth, the mayor of London,
 not able to bear his insolence, drew his sword,
 and struck him so violent a blow as brought
 him to the ground, where he was instantly
 dispatched by others of the king's attendants.
 The mutineers, seeing their leader fall, prepared
 themselves for revenge; and this whole company,
 with the king himself, had undoubtedly perished
 on the spot, had it not been for an extraordinary
 presence of mind, which Richard discovered on
 the occasion. He ordered his company to stop;
 he advanced alone towards the enraged multitude;
 and accosting them with an affable and intrepid
 countenance, he asked them, " What is the
 " meaning of this disorder, my good people?
 " Are ye angry that ye have lost your leader?
 " I am your king, I will be your leader." The
 populace, overawed by his presence, implicitly

" Walsingham, p. 250, 251.

followed him: He led them into the fields, to prevent any disorder which might have arisen by their continuing in the city: Being there joined by Sir Robert Knolles and a body of well armed veteran soldiers, who had been secretly drawn together, he strictly prohibited that officer from falling on the rioters, and committing an undistinguished slaughter upon them; and he peaceably dismissed them with the same charters, which had been granted to their fellows¹⁵. Soon after, the nobility and gentry, hearing of the king's danger, in which they were all involved, flocked to London, with their adherents and retainers; and Richard took the field at the head of an army 40,000 strong¹⁶. It then behoved all the rebels to submit: The charters of enfranchisement and pardon were revoked by parliament; the low people were reduced to the same slavish condition as before; and several of the ringleaders were severely punished for the late disorders. Some were even executed without process or form of law¹⁷. It was pretended, that the intentions of the mutineers had been to seize the king's person, to carry him through England at their head, to murder all the nobility, gentry, and lawyers, and even all the bishops and priests, except the

C H A P.
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1381.

¹⁵ Froissard, liv. ii. chap. 77. Knyghton, p. 2637.
Walsingham, p. 252.

¹⁶ Ibid. p. 267.

¹⁷ s Rich. II. cap. ult. as quoted in the observations on ancient statutes, p. 262.

C H A P. mendicant friars; to dispatch afterwards the king
 XVII. himself; and having thus reduced all to a level, to order the kingdom at their pleasure". It is not impossible, but many of them, in the delirium of their first success, might have formed such projects: But of all the evils incident to human society, the insurrections of the populace, when not raised and supported by persons of higher quality, are the least to be dreaded: The mischiefs, consequent to an abolition of all rank and distinction, become so great, that they are immediately felt, and soon bring affairs back to their former order and arrangement.

A YOUTH of sixteen, (which was at this time the king's age) who had discovered so much courage, presence of mind, and address, and had so dexterously eluded the violence of this tumult, raised great expectations in the nation; and it was natural to hope, that he would, in the course of his life, equal the glories, which had so uniformly attended his father and his grandfather, in all their undertakings. But in proportion as Richard advanced in years, these hopes vanished; and his want of capacity, at least of solid judgment, appeared in every enterprise, which he attempted. The Scots, sensible of their own deficiency in cavalry, had applied to the regency of Charles VI.; and John de Vienne, admiral of France, had been sent over with a body of 1500 men at arms, to support them in

" Wallingham, p. 265.

their incursions against the English. The danger was now deemed by the king's uncles somewhat serious; and a numerous army of 60,000 men was levied; and they marched into Scotland, with Richard himself at their head. The Scots did not pretend to make resistance against so great a force: They abandoned without scruple their country to be pillaged and destroyed by the enemy: And when de Vienne expressed his surprise at this plan of operations, they told him, that all their cattle was driven into the forests and fastnesses; that their houses and other goods were of small value; and that they well knew how to compensate any losses which they might sustain in that respect, by making an incursion into England. Accordingly, when Richard entered Scotland by Berwick and the east coast, the Scots, to the number of 30,000 men, attended by the French, entered the borders of England by the west, and carrying their ravages through Cumberland, Westmoreland, and Lancashire, collected a rich booty, and then returned in tranquillity to their own country. Richard meanwhile advanced towards Edinburgh, and destroyed in his way all the towns and villages on each side of him: He reduced that city to ashes: He treated in the same manner, Perth, Dundee, and other places in the low countries, but when he was advised to march towards the west coast, to await there the return of the enemy, and to take revenge on them for their devastations, his impatience to return to England,

CHAP.

XVII.

1385.

C H A P. and enjoy his usual pleasures and amusements,
 XVII. outweighed every consideration; and he led
 back his army without effecting any thing by
 all these mighty preparations. The Scots, soon
 after, finding the heavy bodies of French cavalry
 very useless in that desultory kind of war, to
 which they confined themselves, treated their
 allies so ill, that the French returned home;
 much disgusted with the country, and with the
 manners of its inhabitants". And the English,
 though they regretted the insolence and levity of
 their king, saw themselves for the future secured
 against any dangerous invasion from that quarter.

1336. BUT it was so material an interest of the French
 court to wrest the sea-port towns from the hands
 of their enemy, that they resolved to attempt it
 by some other expedient, and found no means
 so likely as an invasion of England itself. They
 collected a great fleet and army at Sluise; for
 the Flemings were now in alliance with them:
 All the nobility of France were engaged in this
 enterprise: The English were kept in alarm:
 Great preparations were made for the reception
 of the invaders: And though the dispersion of
 the French ships by a storm, and the taking of
 many of them by the English, before the embark-
 ation of the troops, freed the kingdom from the
 present danger, the king and council were fully

" Froissard, liv. 2. chap. 149, 150, &c. liv. 3. chap. 52.
 Wallingham, p. 316, 317.

sensible, that this perilous situation might every moment return upon them **.

C H A P.

XVII.

1286.

THERE were two circumstances chiefly, which engaged the French at this time to think of such attempts. The one was the absence of the duke of Lancaster, who had carried into Spain the flower of the English military force, in prosecution of his vain claim to the crown of Castile; an enterprise, in which, after some promising success, he was finally disappointed: The other was, the violent dissensions and disorders, which had taken place in the English government.

THE subjection, in which Richard was held by his uncles, particularly by the duke of Gloucester, a prince of ambition and genius, though it was not unsuitable to his years and slender capacity, was extremely disagreeable to his violent temper; and he soon attempted to shake off the yoke imposed upon him. Robert de Vere, earl of Oxford, a young man of a noble family, of an agreeable figure, but of dissolute manners, had acquired an entire ascendant over him; and governed him with an absolute authority. The king set so little bounds to his affection, that he first created his favorite marquis of Dublin, a title before unknown in England, then duke of Ireland; and transferred to him by patent, which was confirmed in parliament, the entire sover-

** Froissard, liv. 3. chap. 41. 53. Walsingham, p. 322, 323.

H A P. eighty for life of that island ²¹. He gave him in marriage his cousin-german, the daughter of **XVII.** **Engelram de Couci**, earl of Bedford; but soon **1286.** after he permitted him to repudiate that lady, though of an unexceptionable character, and to marry a foreigner, a Bohemian, with whom he had become enamoured ²². These public declarations of attachment turned the attention of the whole court towards the minion: All favors passed through his hands: Access to the king could only be obtained by his mediation: And Richard seemed to take no pleasure in royal authority, but so far as it enabled him to load with favors and titles and dignities this object of his affections.

Discontent
of the ba-
rons.

THE jealousy of power immediately produced an animosity between the minion and his creatures on the one hand, and the princes of the blood and chief nobility on the other; and the usual complaints against the insolence of favorites were loudly echoed, and greedily received, in every part of the kingdom. **Móubray** earl of Nottingham, the mareschal, **Fitz-Alan** earl of Arundel, **Piercy** earl of Northumberland, **Montacute** earl of Salisbury, **Beauchamp** earl of Warwick, were all connected with each other, and with the princes, by friendship or alliance, and still more by their common antipathy to those who had eclipsed them in the king's favor and

²¹ Cotton, p. 310, 311. Cox's Hist. of Ireland, p. 129. Wallingham, p. 324. ²² Ibid. p. 328.

confidence.

confidence. No longer kept in awe by the personal character of the prince, they scorned to submit to his ministers; and the method, which they took to redress the grievance complained of, well suited the violence of the age, and proves the desperate extremities, to which every opposition was sure to be instantly carried.

MICHAEL DE LA POLE, the present chancellor, and lately created earl of Suffolk, was the son of an eminent merchant; but had risen by his abilities and valor during the wars of Edward III. had acquired the friendship of that monarch, and was esteemed the person of greatest experience and capacity among those who were attached to the duke of Ireland and the king's secret council. The duke of Gloucester, who had the house of commons at his devotion, impelled them to exercise that power which they seem first to have assumed against lord Latimer during the declining years of the late king; and an impeachment against the chancellor was carried up by them to the house of peers, which, was no less at his devotion. The king foresaw the tempest preparing against him and his ministers. After attempting in vain to rouse the Londoners to his defence, he withdrew from parliament, and retired with his court to Eltham. The parliament sent a deputation, inviting him to return, and threatening, that, if he persisted in absenting himself, they would immediately dissolve, and leave the nation, though at that time in imminent danger of a French invasion, without any support or supply

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B b

C H A P.
XVII.
1386.

C H A P. for its defence. At the same time, a member
XVII. was encouraged to call for the record, containing
1386. the parliamentary deposition of Edward II.; a plain intimation of the fate, which Richard, if he continued refractory, had reason to expect from them. The king, finding himself unable to resist, was content to stipulate, that, except finishing the present impeachment against Suffolk, no attack should be made upon any other of his ministers; and on that condition, he returned to the parliament ”.

NOTHING can prove more fully the innocence of Suffolk, than the frivolousness of the crimes, which his enemies, in the present plenitude of their power, thought proper to object against him ”. It was alledged, that being chancellor, and obliged by his oath to consult the king’s profit, he had purchased lands of the crown below their true value; that he had exchanged with the king a perpetual annuity of 400 marks a year, which he inherited from his father, and which was assigned upon the customs of the port of Hull, for lands of an equal income; that having obtained for his son the priory of St. Anthony, which was formerly possessed by a Frenchman, an enemy, and a schismatic, and a new prior being at the same time named by the pope, he had refused to admit this person, whose title was not legal, till he made a composition

” See note [L] at the end of the volume.

” Cotton, p. 315. Knyghton, p. 2683.

with his son, and agreed to pay him a hundred pounds a year from the income of the benefice; that he had purchased, from one Tydeman of Limborch, an old and forfeited annuity of fifty pounds a-year upon the crown, and had engaged the king to admit that bad debt; and that, when created earl of Suffolk, he had obtained a grant of 500 pounds a-year, to support the dignity of that title²⁵. Even the proof of these articles, frivolous as they are, was found very deficient upon the trial: It appeared, that Suffolk had made no purchase from the crown while he was chancellor, and that all his bargains of that kind were made before he was advanced to that dignity²⁶. It is almost needless to add, that he was condemned, notwithstanding his defence; and that he was deprived of his office.

GLOUCESTER and his associates observed their stipulation with the king, and attacked no more of his ministers: But they immediately attacked himself and his royal dignity, and framed a commission after the model of those, which had

²⁵ It is probable that the earl of Suffolk was not rich, nor able to support the dignity without the bounty of the crown: For his father, Michael de la Polé, though a great merchant, had been ruined by lending money to the late king. See Cotton, p. 194. We may remark that the dukes of Gloucester and York, though vastly rich, received at the same time each of them a thousand pounds a year, to support their dignity. Rymer, vol. vii. p. 481. Cotton, p. 110.

²⁶ Cotton, p. 315.

C H A P. been attempted almost in every reign since that
XVII. of Richard I. and which had always been attended with extreme confusion.²⁷ By this commission, which was ratified by parliament, a council of fourteen persons was appointed, all of Gloucester's faction, except Nevil, archbishop of York: The sovereign power was transferred to these men for a twelvemonth: The king, who had now reached the twenty-first year of his age, was in reality dethroned: The aristocracy was rendered supreme: And though the term of the commission was limited, it was easy to foresee, that the intentions of the party were to render it perpetual, and that power would with great difficulty be wrested from those grasping hands, to which it was once committed. Richard, however, was obliged to submit: He signed the commission, which violence had extorted from him; he took an oath never to infringe it; and though at the end of the session he *publicly* entered a protest, that the prerogatives of the crown, notwithstanding his late concession, should still be deemed entire and unimpaired²⁸, the new commissioners, without regarding this declaration, proceeded to the exercise of their authority.

1287.
 Civil com-
 motions.

THE king, thus dispossessed of royal power, was soon sensible of the contempt, into which he was fallen. His favorites and ministers, who were as yet allowed to remain about his person,

²⁷ Knyghton, p. 2686. Statutes at large, 10 Rich. II. cap. i. ²⁸ Cotton, p. 318.

failed not to aggravate the injury, which, without any demerit on his part, had been offered to him. And his eager temper was of itself sufficiently inclined to seek the means, both of recovering his authority, and of revenging himself on those who had invaded it. As the house of commons appeared now of weight in the constitution, he secretly tried some expedients for procuring a favorable election: He founded some of the sheriffs, who, being at that time both the returning officers, and magistrates of great power in the counties, had naturally considerable influence in elections²⁹. But as most of them had been appointed by his uncles, either during his minority, or during the course of the present commission, he found them in general averse to his enterprise. The sentiments and inclinations of the judges were more favorable to him. He met at Nottingham Sir Robert Tresilian, chief justice of the King's Bench, Sir Robert Belknappe, chief justice of the Common Pleas, Sir John Cary, chief baron of the Exchequer, Holt, Fulthorpe, and Bourg, inferior justices, and Lockton, serjeant at law; and he proposed to them some queries, which these lawyers, either from the influence of his authority or of reason, made no scruple of answering in the way he desired. They declared,

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1387.

²⁹ In the preamble to 5 Henry IV. cap. vii. it is implied, that the sheriffs in a manner appointed the members of the house of commons, not only in this parliament, but in many others.

Q H A P.
XVII.
1387.

that the late commission was derogatory to the royalty and prerogative of the king; that those who procured it, or advised the king to consent to it, were punishable with death; that those who necessitated and compelled him were guilty of treason; that those were equally criminal who should persevere in maintaining it; that the king has the right of dissolving parliaments at pleasure; that the parliament, while it sits, must first proceed upon the king's business; and that this assembly cannot without his consent impeach any of his ministers and judges ¹⁰. Even according to our present strict maxims with regard to law and the royal prerogative, all these determinations, except the two last, appear justifiable: And as the great privileges of the commons, particularly that of impeachment, were hitherto new, and supported by few precedents, there want not plausible reasons to justify these opinions of the judges ¹¹.

¹⁰ Knyghton, p. 2694. Ypod. Noust. p. 541.

¹¹ The parliament in 1341, exacted of Edward III. that, on the third day of every session, the king should resume all the great offices; and that the ministers should then answer to any accusation that should be brought against them: Which plainly implies, that, while ministers, they could not be accused or impeached in parliament. Henry IV. told the commons, that the usage of parliament required them to go first through the king's business in granting supplies; which order the king intended not to alter, Parl. Hist. vol. ii. p. 65. Upon the whole, it must be allowed, that, according to ancient practice and principles, there are at least plausible grounds for all these opinions of the Judges.

They signed therefore their answer to the king's queries before the archbishops of York and Dublin, the bishops of Durham, Chichester, and Bangor, the duke of Ireland, the earl of Suffolk, and two other counsellors of inferior quality.

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1387.

THE duke of Gloucester, and his adherents, soon got intelligence of this secret consultation, and were naturally very much alarmed at it. They saw the king's intentions; and they determined to prevent the execution of them. As soon as he came to London, which, they knew, was well disposed to their party, they secretly assembled their forces, and appeared in arms at Haringay, park, near Highgate, with a power, which Richard and his ministers were not able to resist. They sent him a message by the archbishop of Canterbury, and the lords Lovel, Cobham, and Devereux, and demanded, that the persons who had seduced him by their pernicious counsel, and were traitors both to him and to the kingdom, should be delivered up to them. A few days after, they appeared in his presence, armed and attended with armed followers; and they accused by name

It must be remarked, that this affirmation of Henry IV. was given deliberately, after consulting the house of peers, who were much better acquainted with the usage of parliament than the ignorant commons. And it has the greater authority, because Henry IV. had made this very principle a considerable article of charge against his predecessor; and that a very few years before. So ill grounded were most of the imputations thrown on the unhappy Richard!

B b 4

C H A P. the archbishop of York, the duke of Ireland, the
 XVII. earl of Suffolk, Sir Robert Tresilian, and Sir
 Nicholas Brembre, as public and dangerous
 enemies to the state. They threw down their
 gauntlets before the king, and fiercely offered to
 maintain the truth of their charge by duel. The
 persons accused, and all the other obnoxious
 ministers, had withdrawn or had concealed them-
 selves.

THE duke of Ireland fled to Cheshire, and
 levied some forces, with which he advanced to
 relieve the king from the violence of the nobles.
 Gloucester encountered him in Oxfordshire with
 much superior forces; routed him, dispersed his
 followers, and obliged him to fly into the Low-
 Countries, where he died in exile a few years after.
 The lords then appeared at London with an army
 of 40,000 men; and having obliged the king to
 summon a parliament, which was entirely at their
 devotion, they had full power, by observing a
 few legal forms, to take vengeance on 'all their
 enemies. Five great peers, men whose combined
 power was able at any time to shake the throne,
 the duke of Gloucester, the king's uncle; the earl
 of Derby, son of the duke of Lancaster; the earl
 of Arundel; the earl of Warwic, and the earl
 of Nottingham, marshal of England, entered
 before the parliament an accusation or appeal, as
 it was called, against the five counsellors, whom
 they had already accused before the king. The
 parliament, who ought to have been judges,
 were not ashamed to impose an oath on all their

1398.
 3d Feb.

Expulsion or
 execution of
 the king's
 ministers.

members, by which they bound themselves to live and die with the lords appellants, and to defend them against all opposition with their lives and fortunes¹¹. C H A P.
XVII.
1388.

THE other proceedings were well suited to the violence and iniquity of the times. A charge, consisting of thirty-nine articles, was delivered in by the appellants; and as none of the accused counsellors, except Sir Nicholas Brembre, was in custody, the rest were cited to appear; and upon their absenting themselves, the house of peers, after a very short interval, without hearing a witness, without examining a fact, or deliberating on one point of law, declared them guilty of high treason. Sir Nicholas Brembre, who was produced in court, had the appearance, and but the appearance, of a trial: The peers, though they were not by law his proper judges, pronounced, in a very summary manner, sentence of death upon him; and he was executed, together with Sir Robert Tresilian, who had been discovered and taken in the interval.

IT would be tedious to recite the whole charge delivered in against the five counsellors; which is to be met with in several collections¹². It is sufficient to observe in general, that, if we reason upon the supposition, which is the true one, that the royal prerogative was invaded by the commis-

¹¹ Cotton, p. 322.

¹² Knyghton, p. 2715.
Tyrrel, vol. iii. part 2. p. 919. from the records. Parliamentary History, vol. i. p. 414.

C H A P. XVII. sion extorted by the duke of Gloucester and his associates, and that the king's person was afterwards detained in custody by rebels, many of the articles will appear, not only to imply no crime in the duke of Ireland and the ministers, but to ascribe to them actions, which were laudable, and which they were bound by their allegiance to perform. The few articles, impeaching the conduct of these ministers before that commission, which subverted the constitution, and annihilated all justice and legal authority, are vague and general; such as their engrossing the king's favor, keeping his barons at a distance from him, obtaining unreasonable grants for themselves or their creatures, and dissipating the public treasure by useless expences. No violence is objected to them; no particular illegal act¹¹; no breach of any statute; and their administration may therefore be concluded to have been so far innocent and inoffensive. All the disorders indeed seem to have proceeded, not from any violation of the laws, or any ministerial tyranny; but merely from a rivalry of power, which the duke of Gloucester, and the great nobility, agreeably to the genius of the times, carried to the utmost extremity against their opponents, without any regard to reason, justice, or humanity.

BUT these were not the only deeds of violence committed during the triumph of the party. All the other judges, who had signed the extrajudicial opinions at Nottingham, were condemned to death,

¹¹ See note [M.] at the end of the volume.

and were, as a grace or favor, banished to Ireland; though they pleaded the fear of their lives; and the menaces of the king's ministers as their excuse. Lord Beauchamp of Holt, Sir James Berners, and John Salisbury, were also tried and condemned for high treason; merely because they had attempted to defeat the late commission: But the life of the latter was spared. The fate of Sir Simon Burley was more severe: This gentleman was much beloved for his personal merit, had distinguished himself by many honorable actions³⁵, was created knight of the garter, and had been appointed governor to Richard, by the choice of the late king and of the Black Prince: He had attended his master from the earliest infancy of that prince, and had ever remained extremely attached to him: Yet all these considerations could not save him from falling a victim to Gloucester's vengeance. This execution, more than all the others, made a deep impression on the mind of Richard: His queen too (for he was already married to the sister of the emperor Winceslaus, king of Bohemia) interested herself in behalf of Burley: She remained three hours on her knees

C H A P.

XVII.

1388.

³⁵ At least this is the character given of him by Froissard, liv. 2. who knew him personally: Walsingham, p. 334. gives a very different character of him; but he is a writer somewhat passionate and partial; and the choice made of this gentleman by Edward III. and the Black Prince for the education of Richard, makes the character given him by Froissard, much more probable.

CHAP. before the duke of Gloucester, pleading for that gentleman's life; but though she was become extremely popular by her amiable qualities, which had acquired her the appellation of *the good queen Anne*, her petition was sternly rejected by the inexorable tyrant.

THE parliament concluded this violent scene by a declaration that none of the articles, decided on these trials to be treason, should ever afterwards be drawn into precedent by the judges, who were still to consider the statute of the twenty-fifth of Edward as the rule of their decisions. The house of lords seem not at that time to have known or acknowledged the principle, that they themselves were bound, in their judicial capacity, to follow the rules, which they, in conjunction with the king and commons, had established in their legislative³⁶. It was also enacted, that every one should swear to the perpetual maintenance and support of the forfeitures and attainders, and of all the other acts passed during this parliament. The archbishop of Canterbury added the penalty of excommunication, as a farther security to these violent transactions.

1389. It might naturally be expected, that the king, being reduced to such slavery by the combination of the princes and chief nobility, and having appeared so unable to defend his servants from the cruel effects of their resentment, would long remain in subjection to them; and never would

³⁶ See note [N] at the end of the volume.

recover the royal power, without the most violent struggles and convulsions: But the event proved contrary. In less than a twelvemonth, Richard, who was in his twenty-third year, declared in council, that, as he had now attained the full age, which entitled him to govern by his own authority his kingdom and household, he resolved to exercise his right of sovereignty; and when no one ventured to contradict so reasonable an intention, he deprived Fitz-Alan archbishop of Canterbury of the dignity of chancellor, and bestowed that high office on William of Wickham, bishop of Winchester; the bishop of Hereford was displaced from the office of treasurer, the earl of Arundel from that of admiral; even the duke of Gloucester and the earl of Warwic were removed for a time from the council: And no opposition was made to these great changes. The history of this reign is imperfect, and little to be depended on; except where it is supported by public records: And it is not easy for us to assign the reason of this unexpected event. Perhaps, some secret animosities, naturally to be expected in that situation, had crept in among the great men, and had enabled the king to recover his authority. Perhaps, the violence of their former proceedings had lost them the affections of the people, who soon repent of any cruel extremities, to which they are carried by their leaders. However this may be, Richard exercised with moderation the authority which he had resumed. He seemed to be entirely reconciled

C H A P.

XVII.

1389.

C H A P. to his uncles¹⁷ and the other great men, of whom
 XVII. he had so much reason to complain: He never
 1389. attempted to recal from banishment the duke of
 Ireland, whom he found so obnoxious to them:
 He confirmed by proclamation the general pardon,
 which the parliament had passed for all offences:
 And he courted the affections of the people, by
 voluntarily remitting some subsidies, which had
 been granted him; a remarkable, and almost
 singular instance of such generosity.

AFTER this compofure of domestic differences,
 and this restoration of the government to its
 natural state, there paffes an interval of eight
 years, which affords not many remarkable events.
 The duke of Lancafter returned from Spain;
 having resigned to his rival all pretensions to the
 crown of Caftile upon payment of a large fum of
 money¹⁸, and having married his daughter, Phi-
 lippa, to the king of Portugal. The authority of
 this prince served to counterbalance that of the duke
 of Glocefter, and secured the power of Richard,
 who paid great court to his eldeft uncle, by whom
 he had never been offended, and whom he found
 more moderate in his temper than the younger.
 He made a ceffion to him for life of the dutchy
 of Guienne¹⁹, which the inclinations and changeable
 humor of the Gascons had restored to the English
 government; but as they remonstrated loudly
 againft this deed, it was finally, with the duke's

¹⁷ Dugdale, vol. ii. p. 170.

¹⁸ Knyghton, p. 2677. Walsingham, p. 342.

¹⁹ Rymér, vol. vii. p. 659.

consent, revoked by Richard ". There happened an incident, which produced a dissension between Lancaster and his two brothers. After the death of the Spanish princess, he espoused Catharine Swineford, daughter of a private knight of Hainault, by whose alliance, York and Gloucester thought the dignity of their family much injured: But the king gratified his uncle by passing in parliament a charter of legitimation to the children whom that lady had born him before marriage, and by creating the eldest earl of Somerset ". C H A P.
XVII.
1389.

THE wars, meanwhile, which Richard had inherited with his crown, still continued; though interrupted by frequent truces, according to the practice of that age, and conducted with little vigor, by reason of the weakness of all parties. The French war was scarcely heard of; the tranquillity of the northern borders was only interrupted by one inroad of the Scots, which proceeded more from a rivalry between the two martial families of Piercy and Douglas, than from any national quarrel: A fierce battle or skirmish was fought at Otterborne ", in which young Piercy, surnamed *Hotspur*, from his impetuous valor, was taken prisoner, and Douglas slain; and the victory remained undecided ". Some insurrections of the Irish obliged the king to make

" Rymer, vol. vii. p. 687. " Cotton, p. 365.
Walsingham, p. 352. " 15th August, 1388.
" Froissard, liv. 3. chap. 124, 125, 126. Walsingham,
p. 355.

- C H A P. XVII.** an expedition into that country, which he reduced to obedience; and he recovered, in some degree, by this enterprize, his character of courage, which had suffered a little by the inactivity of his reign.
1396. At last, the English and French courts began to think in earnest of a lasting peace; but found it so difficult to adjust their opposite pretensions, that they were content to establish a truce of twenty-five years⁴⁴: Brest and Cherbourg were restored, the former to the duke of Brittany, the latter to the king of Navarre: Both parties were left in possession of all the other places which they held at the time of concluding the truce: And to render the amity between the two crowns more durable, Richard, who was now a widower, was affianced to Isabella, the daughter of Charles⁴⁵. This princess was only seven years of age; but the king agreed to so unequal a match, chiefly that he might fortify himself by this alliance, against the enterprises of his uncles and the incurable turbulence as well as inconstancy of his barons.

THE administration of the king, though it was not, in this interval, sullied by any unpopular act, except the seizing of the charter of London⁴⁶, which was soon after restored, tended not much to corroborate his authority; and his personal character brought him into contempt, even while his public government appeared, in a good

⁴⁴ Rymer, vol. vii. p. 820.

⁴⁵ Ibid. p. 811.

⁴⁶ Ibid. p. 727. Walsingham, p. 347.

measure,

measure, unexceptionable. Indolent, profuse, C H A P. addicted to low pleasures; he spent his whole XVII. time in feasting and jollity, and dissipated, in idle show, or in bounties to favorites of no reputation, that revenue which the people expected to see him employ in enterprises directed to public honor and advantage. He forgot his rank by admitting all men to his familiarity; and he was not sensible, that their acquaintance with the qualities of his mind was not able to impress them with the respect, which he neglected to preserve from his birth and station. The earls of Kent and Huntingdon, his half brothers, were his chief confidants and favorites; and though he never devoted himself to them with so profuse an affection as that with which he had formerly been attached to the duke of Ireland, it was easy for men to see, that every grace passed through their hands, and that the king had rendered himself a mere cipher in the government. The small regard, which the public bore to his person, disposed them to murmur against his administration, and to receive with greedy ears every complaint, which the discontented or ambitious grandees suggested to them.

GLOCESTER soon perceived the advantages, 1397. which this dissolute conduct gave him; and finding, that both resentment and jealousy on the Cabals of the duke of Gloucester. part of his nephew still prevented him from acquiring any ascendant over that prince, he determined to cultivate his popularity with the nation, and to revenge himself on those who

C H A P. eclipsed him in favor and authority. He seldom
XVII. appeared at court or in council: He never declared
1397. his opinion but in order to disapprove of the
 measures embraced by the king and his favorites:
 And he courted the friendship of every man,
 whom disappointment or private resentment had
 rendered an enemy to the administration. The
 long truce with France was unpopular with the
 English, who breathed nothing but war against
 that hostile nation; and Gloucester took care to
 encourage all the vulgar prejudices, which pre-
 vailed on this subject. Forgetting the misfortunes,
 which attended the English arms during the later
 years of Edward; he made an invidious com-
 parison between the glories of that reign and the
 inactivity of the present, and he lamented that
 Richard should have degenerated so much from
 the heroic virtues by which his father and his
 grandfather were distinguished. The military men
 were inflamed with a desire of war, when they
 heard him talk of the signal victories formerly
 obtained, and of the easy prey which might be
 made of French riches by the superior valor of
 the English: The populace readily embraced the
 same sentiments: And all men exclaimed, that
 this prince, whose counsels were so much neglect-
 ed, was the true support of English honor, and
 alone able to raise the nation to its former power
 and splendor. His great abilities, his popular
 manners, his princely extraction, his immense
 riches, his high office of constable"; all these

" Rymer, vol. vii. p. 152.

advantages, not a little assisted by his want of court-favor, gave him a mighty authority in the kingdom, and rendered him formidable to Richard and his ministers.

C H A P.
XVII.
1398.

FROISSARD", a contemporary writer and very impartial, but whose credit is somewhat impaired by his want of exactness in material facts, ascribes to the duke of Gloucester more desperate views, and such as were totally incompatible with the government and domestic tranquillity of the nation. According to that historian, he proposed to his nephew, Roger Mortimer, earl of Marche, whom Richard had declared his successor, to give him immediate possession of the throne, by the deposition of a prince, so unworthy of power and authority: And when Mortimer declined the project, he resolved to make a partition of the kingdom between himself, his two brothers, and the earl of Arundel; and entirely to dispossess Richard of the crown. The king, it is said, being informed of these designs, saw that either his own ruin or that of Gloucester was inevitable; and he resolved, by a hasty blow, to prevent the execution of such destructive projects. This is certain, that Gloucester, by his own confession, had often affected to speak contemptuously of the king's person and government; had deliberated concerning the lawfulness of throwing off allegiance to him; and had even born part in a secret conference, where his deposition was pro-

" Liv. 4. chap. 86.

C H A P. posed, and talked of, and determined": But it
XVII. is reasonable to think, that his schemes were not
1397. so far advanced as to make him resolve on putting them immediately in execution. The danger, probably, was still too distant to render a desperate remedy entirely necessary for the security of government.

BUT whatever opinion we may form of the danger arising from Gloucester's conspiracies, his aversion to the French truce and alliance was public and avowed; and that court, which had now a great influence over the king, pushed him to provide for his own safety, by punishing the traitorous designs of his uncle. The resentment against his former acts of violence revived; the sense of his refractory and uncompliant behaviour was still recent; and a man, whose ambition had once usurped royal authority, and who had murdered all the faithful servants of the king, was thought capable, on a favorable opportunity, of renewing the same criminal enterprises. The king's precipitate temper admitted of no deliberation: He ordered Gloucester to be unex-

" Cotton, p. 378. Tyrrel, vol. iii. part 2. p. 972, from the records. Parliamentary History, vol. i. p. 473. That this confession was genuine, and obtained without violence, may-be entirely depended on. Judge Rickhill, who brought it over from Calais, was tried on that account, and acquitted in the first parliament of Henry IV. when Gloucester's party was prevalent. His acquittal, notwithstanding his innocence, may even appear marvellous, considering the times. See Cotton, p. 393.

pectedly arrested; to be hurried on board a ship which was lying in the river; and to be carried over to Calais, where alone, by reason of his numerous partisans, he could safely be detained in custody". The earls of Arundel and Warwic were seized at the same time: The malecontents, so suddenly deprived of their leaders, were astonished and overawed: And the concurrence of the dukes of Lancaster and York in those measures, together with the earls of Derby and Rutland, the eldest sons of these princes", bereaved them of all possibility of resistance.

C H A P.
XVII.
1397.

A PARLIAMENT was immediately summoned at Westminster; and the king doubted not to find the peers, and still more the commons, very compliant with his will. This house had in a former parliament given him very sensible proofs of their attachment"; and the present suppression of Gloucester's party made him still more assured of a favorable election. As a farther expedient for that purpose, he is also said to have employed the influence of the sheriffs; a practice which, though not unusual, gave umbrage, but which the established authority of that assembly rendered afterwards still more familiar to the nation. Accordingly, the parliament passed whatever acts the king was pleased to dictate to them": They

17th Sept.

" Froissard, liv. 4. chap. 90. Walsing. p. 354.

" Rymer, vol. viii. p. 7. " See note [O] at the end of the volume. " The nobles brought numerous retainers with them to give them security, as we are told

Q H A P. annulled for ever the commission which usurped
XVII. upon the royal authority, and they declared it
 1397. treasonable to attempt, in any future period,
 the revival of any similar commission⁴⁴: They
 abrogated all the acts, which attainted the king's
 ministers, and which that parliament who passed
 them, and the whole nation, had sworn inviolably
 to maintain: And they declared the general par-
 don then granted to be invalid, as extorted by
 force, and never ratified by the free consent of
 the king. Though Richard, after he resumed
 the government, and lay no longer under con-
 straint, had voluntarily, by proclamation, con-
 firmed that general indemnity; this circumstance
 seemed not, in their eyes, to merit any consid-
 eration. Even a particular pardon granted six
 years after to the earl of Arundel, was annulled
 by parliament; on pretence, that it had been
 procured by surprise, and that the king was not
 then fully apprized of the degree of guilt incurred
 by that nobleman.

THE commons then preferred an impeachment
 against Fitz-Alan, archbishop of Canterbury, and
 brother to Arundel, and accused him for his
 concurrence in procuring the illegal commission,
 and in attainting the king's ministers. The pri-
 mate pleaded guilty; but as he was protected by
 the ecclesiastical privileges, the king was satisfied
 with a sentence, which banished him the king-

by Walsingham, p. 354. The king had only a few Cheeshire
 men for his guard. ⁴⁴ Statutes at Large, 21 Richard II.

dom, and sequestered his temporalities". An appeal or accusation was presented against the duke of Gloucester, and the earls of Arundel and Warwic, by the earls of Rutland, Kent, Huntingdon, Somerset, Salisbury, and Nottingham, together with the lords Spenser and Scrope, and they were accused of the same crimes which had been imputed to the archbishop, as well as of their appearance against the king in a hostile manner at Haringay-park. The earl of Arundel, who was brought to the bar, wisely confined all his defence to the pleading of both the general and particular pardon of the king; but his plea being over-ruled, he was condemned, and executed". The earl of Warwic, who was also convicted of high treason, was, on account of his submissive behaviour, pardoned as to his life, but doomed to perpetual banishment in the Isle of Man. No new acts of treason were imputed to either of these noblemen. The only crimes, for which they were condemned, were the old attempts against the crown, which seemed to be obliterated, both by the distance of time, and by repeated pardons". The reasons of this method of proceeding, it is difficult to conjecture. The recent conspiracies of Gloucester seem certain from his own confession: But, perhaps, the king and ministry had not, at that time, in their

" Cotton, p. 368. " Ibid. p. 377. Froissard, liv. 4. chap. 90. Walsing. p. 354.

" Tyrrel, vol. iii. part 2. p. 968. from the records.

C H A P. hands, any satisfactory proof of their reality ;
 XVII. perhaps, it was difficult to convict Arundel and
 1397. Warwic, of any participation in them; perhaps,
 an inquiry into these conspiracies would have
 involved in the guilt some of those great noble-
 men, who now concurred with the crown, and
 whom it was necessary to cover from all impu-
 tation; or perhaps, the king, according to the
 genius of the age, was indifferent about main-
 taining even the appearance of law and equity,
 and was only solicitous by any means to ensure
 success in these prosecutions. This point, like
 many others in ancient history, we are obliged
 to leave altogether undetermined.

Murder of
 the duke of
 Gloucester.

A WARRANT was issued to the earl Marshal, governor of Calais, to bring over the duke of Gloucester, in order to his trial; but the governor returned for answer, that the duke had died suddenly of an apoplexy in that fortress. Nothing could be more suspicious, from the time, than the circumstances of that prince's death: It became immediately the general opinion, that he was murdered by orders from his nephew: In the subsequent reign undoubted proofs were produced in parliament, that he had been suffocated with pillows by his keepers²²: And it appeared, that the king, apprehensive lest the public trial and execution of so popular a prince, and so near a relation, might prove both dangerous and invidious, had taken this base method of gratifying,

²² Cotton, p. 399, 400. Dugdale, vol. ii. p. 171.

and', as he fancied, concealing, his revenge upon him. Both parties, in their successive triumphs, seem to have had no farther concern than that of retaliating upon their adversaries; and neither of them were aware, that, by imitating, they indirectly justified, as far as it lay in their power, all the illegal violence of the opposite party. C H A P. XVII.

THIS session concluded with the creation or advancement of several peers: The earl of Derby was made duke of Hereford; the earl of Rutland, duke of Albemarle; the earl of Kent, duke of Surrey; the earl of Huntingdon, duke of Exeter; the earl of Nottingham, duke of Norfolk; the earl of Somerset, marquis of Dorset; lord Spenser, earl of Gloucester; Ralph Nevil, earl of Westmoreland; Thomas Piercy, earl of Worcester; William Scrope, earl of Wiltshire". The parliament, after a session of twelve days, was adjourned to Shrewsbury. The king, before the departure of the members, exacted from them an oath for the perpetual maintenance and establishment of all their acts; an oath, similar to that which had formerly been required by the duke of Gloucester and his party, and which had already proved so vain and fruitless.

BOTH king and parliament met in the same dispositions at Shrewsbury. So anxious was Richard for the security of these acts, that he obliged the lords and commons to swear anew to them on the cross of Canterbury"; and he

1398.
28 Jan.

" Cotton, p. 370, 371.

" Ibid. p. 371.

C H A P. XVII. soon after procured a bull from the pope, by which they were, as he imagined, perpetually secured and established ". The parliament, on the other hand, conferred on him *for life* the duties on wool, wool-fells, and leather, and granted him besides, a subsidy of one tenth and a half, and one fifteenth and a half. They also reversed the attainder of Tresilian and the other judges; and with the approbation of the present judges, declared the answers, for which these magistrates had been impeached, to be just and legal ". And they carried so far their retrospect as to reverse, on the petition of lord Spenser, earl of Gloucester, the attainder pronounced against the two Spensers in the reign of Edward II ". The ancient history of England is nothing but a catalogue of reversals: Every thing is in fluctuation and movement: One faction is continually undoing what was established by another: And the multiplied oaths, which each party exacted for the security of the present acts, betray a perpetual consciousness of their instability.

THE parliament, before they were dissolved, elected a committee of twelve lords and six commoners ", whom they invested with the whole

" Walsing. p. 355.

" Statutes at large, 21 Rich. II.

" Cotton, p. 372.

" The names of the commissioners were, the dukes of Lancaster, York, Albemarle, Surrey, and Exeter, the marquis of Dorset, the earls of Marche, Salisbury, Northumberland, Gloucester, Winchester, and Wiltshire, John Bussy, Henry Green, John Russell, Robert Teyne, Henry Chelmeswicke, and John Golofre. Is is to

power both of lords and commons, and endowed with full authority to finish all business, which had been laid before the houses, and which they had not had leisure to bring to a conclusion". This was an unusual concession; and though it was limited in the object, might, either immediately or as a precedent, have proved dangerous to the constitution: But the cause of that extraordinary measure was an event singular and unexpected, which engaged the attention of the parliament.

C H A P.
XVII.
1398.

AFTER the destruction of the duke of Gloucester and the heads of that party, a misunderstanding broke out among those noblemen, who had joined in the prosecution; and the king wanted either authority sufficient to appease it, or foresight to prevent it. The duke of Hereford appeared in parliament, and accused the duke of Norfolk of having spoken to him, in private, many slanderous words of the king, and of having imputed to that prince an intention of subverting and destroying many of his principal nobility". Norfolk denied the charge, gave Hereford the lie, and offered to prove his own innocence by duel. The challenge was accepted: The time and place of combat were appointed:

be remarked, that the duke of Lancaster always concurred with the rest in all their proceedings, even in the banishment of his son, which was afterwards so much complained of.

" Walsing. p. 355. Cotton, p. 372.

" Ibid. Parliamentary history, vol. i. p. 490.

O N A P. And as the event of this important trial by arms
 XVII. might require the interposition of legislative au-
 1398. thority, the parliament thought it more suitable
 to delegate their power to a committee, than to
 prolong the session beyond the usual time which
 custom and general convenience had prescribed
 to it “:

THE duke of Hereford was certainly very little delicate in the point of honor, when he revealed a private conversation to the ruin of the person who had intrusted him; and we may thence be more inclined to believe the duke of Norfolk's denial, than the other's asseveration. But Norfolk had in these transactions betrayed an equal neglect of honor, which brings him entirely on a level with his antagonist. Though he had publicly joined with the duke of Gloucester and his party in all the former acts of violence against the king; and his name stands among the appellants who accused the duke of Ireland and the other ministers: Yet was he not ashamed publicly to impeach his former associates for the very crimes, which he had concurred with them in committing; and his name increases the list of those appellants who brought them to a trial. Such were the principles and practices of those

“ In the first year of Henry VI. when the authority of parliament was great, when that assembly could least be suspected of lying under violence, a like concession was made to the privy council from like motives of convenience. See Cotton, p. 564.

ancient knights and barons during the prevalence of the aristocratical government, and the reign of chivalry.

C H A P.
XVII.
1398.

THE lists for this decision of truth and right were appointed at Coventry before the king: All the nobility of England bandied into parties, and adhered either to the one duke or the other: The whole nation was held in suspense with regard to the event: But when the two champions appeared in the field, accoutred for the combat, the king interposed, to prevent both the present effusion of such noble blood, and the future consequences of the quarrel. By the advice and authority of the parliamentary commissioners, he stopped the duel; and to show his impartiality, he ordered, by the same authority, both the combatants to leave the kingdom[“]; assigning one country for the place of Norfolk's exile, which he declared perpetual, another for that of Hereford, which he limited to ten years.

HEREFORD was a man of great prudence and command of temper; and he behaved himself with so much submission in these delicate circumstances, that the king, before his departure, promised to shorten the term of his exile four years; and he also granted him letters patent, by which he was empowered, in case any inheritance should in the interval accrue to him, to enter immediately in possession, and to postpone the doing of homage till his return.

[“] Cotton, p. 380. Walsingham, p. 356.

C H A P.

XVII.

Banishment
of Henry
duke of
Hereford.

1399.
3d Feb.

THE weakness and fluctuation of Richard's counsels appear now where more evident than in the conduct of this affair. No sooner had Hereford left the kingdom, than the king's jealousy of the power and riches of that prince's family revived; and he was sensible, that, by Gloucester's death, he had only removed a counterpoise to the Lancastrian interest, which was now become formidable to his crown and kingdom. Being informed, that Hereford had entered into a treaty of marriage with the daughter of the duke of Berry, uncle to the French king, he determined to prevent the finishing of an alliance, which would so much extend the interest of his cousin in foreign countries; and he sent over the earl of Salisbury to Paris with a commission for that purpose. The death of the duke of Lancaster, which happened soon after, called upon him to take new resolutions with regard to that opulent succession. The present duke, in consequence of the king's patent, desired to be put in possession of the estate and jurisdictions of his father: But Richard, afraid of strengthening the hands of a man, whom he had already so much offended, applied to the parliamentary commissioners, and persuaded them, that this affair was but an appendage to that business which the parliament had delegated to them. By their authority, he revoked his letters patent, and retained possession of the estate of Lancaster: And by the same authority, he seized and tried the duke's attorney, who had procured and insisted

on the letters, and he had him condemned as a traitor, for faithfully executing that trust to his master". An extravagant act of power! even though the king changed, in favor of the attorney; the penalty of death into that of banishment.

C H A P.
XVII.
1352.

HENRY, the new duke of Lancaster, had acquired, by his conduct and abilities, the esteem of the public; and having served with distinction against the infidels in Lithuania, he had joined to his other praises those of piety and valor, virtues which have at all times a great influence over mankind, and were, during those ages, the qualities chiefly held in estimation". He was connected with most of the principal nobility by blood, alliance, or friendship; and as the injury, done him by the king, might in its consequences affect all of them, he easily brought them, by a sense of common interest, to take part in his resentment. The people, who must have an object of affection, who found nothing in the king's person, which they could love or revere, and who were even disgusted with many parts of his conduct", easily transferred to Henry that

" Tyrrel, vol. iii. part. 2. p. 991, from the records.

" Walsingham, p. 343. " He levied fines upon those who had ten years before joined the duke of Gloucester and his party: They were obliged to pay him money, before he would allow them to enjoy the benefit of the indemnity; and in the articles of charge against him, it is asserted, that the payment of one fine did not suffice. It is indeed likely, that his ministers would abuse the power put into their hands; and this grievance extended to very many people. Historians agree in representing this practice as a great oppression. See Otterburne, p. 199.

C H A P. attachment, which the death of the duke of
XVII. Glocester had left without any fixed direction.
1399. His misfortunes were lamented; the injustice, which he had suffered, was complained of; and all men turned their eyes towards him, as the only person that could retrieve the lost honor of the nation, or redress the supposed abuses in the government.

**Return of
 Henry.**

WHILE such were the dispositions of the people, Richard had the imprudence to embark for Ireland, in order to revenge the death of his cousin, Roger earl of Marche, the presumptive heir of the crown, who had lately been slain in a skirmish by the natives; and he thereby left the kingdom of England open to the attempts of his provoked and ambitious enemy. Henry,* embarking on Nantz with a retinue of sixty persons, among whom were the archbishop of Canterbury and the young earl of Arundel, nephew to that prelate, landed at Ravenspur in Yorkshire; and was immediately joined by the earls of Northumberland and Westmoreland, two of the most potent barons in England. He here took a solemn oath, that he had no other purpose in this invasion, than to recover the duchy of Lancaster, unjustly detained from him; and he invited all his friends in England, and all lovers of their country, to second him in this reasonable and moderate pretension. Every place was in commotion: The malecontents in all quarters flew to arms: London discovered the strongest symptoms of its disposition to mutiny and rebellion:

And

* 4th July,
 The Duke of Lancaster
 sailed

And Henry's army, increasing on every day's march, soon amounted to the number of 60,000 combatants.

C H A P.
XVII.
1399.

THE duke of York was left guardian of the realm; a place to which his birth entitled him, but which both his slender abilities, and his natural connexions with the duke of Lancaster, rendered him utterly incapable of filling in such a dangerous emergency. Such of the chief nobility, as were attached to the crown, and could either have seconded the guardian's good intentions, or have overawed his infidelity, had attended the king into Ireland; and the efforts of Richard's friends were every where more feeble than those of his enemies. The duke of York, however, appointed the rendezvous of his forces at St. Albans, and soon assembled an army of 40,000 men; but found them entirely destitute of zeal and attachment to the royal cause, and more inclined to join the party of the rebels. He hearkened therefore very readily to a message from Henry; who entreated him not to oppose a loyal and humble suppliant in the recovery of his legal patrimony; and the guardian even declared publicly that he would second his nephew in so reasonable a request. His army embraced with acclamations the same measures; and the duke of Lancaster, reinforced by them, was now entirely master of the kingdom. He hastened to Bristol, into which some of the king's ministers had thrown themselves; and soon obliging that place to surrender, he yielded to the popular

General in-
urrection.

VOL. III.

D d

C H A P. wishes, and without giving them a trial, ordered
 xvii. the earl of Wiltshire, Sir John Buffy, and Sir
 1399. Henry Green, whom he there took prisoners,
 to be led to immediate execution.

THE king, receiving intelligence of this invasion and insurrection, hastened over from Ireland, and landed in Milford Haven with a body of 20,000 men: But even this army, so much inferior to the enemy, was either overawed by the general combination of the kingdom, or seized with the same spirit of disaffection; and they gradually deserted him, till he found that he had not above 6000 men, who followed his standard. It appeared, therefore, necessary to retire secretly from this small body, which served only to expose him to danger; and he fled to the isle of Anglesea, where he purposed to embark either for Ireland or France, and there await the favorable opportunities, which the return of his subjects to a sense of duty, or their future discontents against the duke of Lancaster, would probably afford him. Henry, sensible of the danger, sent to him the earl of Northumberland with the strongest professions of loyalty and submission; and that nobleman, by treachery and false oaths, made himself master of the king's person, and carried him to his enemy at Flint Castle. Richard was conducted to London, by the duke of Lancaster, who was there received with the acclamations of the mutinous populace. It is pretended, that the recorder met him on the road; and in the name of the city, entreated

1st Sept.

him, for the public safety, to put Richard to death, with all his adherents who were prisoners²²; but the duke prudently determined to make many others participate in his guilt, before he would proceed to those extremities. For this purpose, he issued writs of election in the king's name, and appointed the immediate meeting of a parliament at Westminster.

SUCH of the peers, as were most devoted to the king, were either fled or imprisoned; and no opponents, even among the barons, dared to appear against Henry, amidst that scene of outrage and violence, which commonly attends revolutions, especially in England during those turbulent ages. It is also easy to imagine, that a house of commons, elected during this universal ferment, and this triumph of the Lancastrian party, would be extremely attached to that cause, and ready to second every suggestion of their leaders. That order, being as yet of too little weight to stem the torrent, was always carried along with it, and served only to increase the violence, which the public interest required it should endeavour to controul. The duke of Lancaster therefore, sensible that he should be entirely master, began to carry his views to the crown itself; and he deliberated with his partisans concerning the most proper means of effecting his daring purpose. He first extorted a resigna-

C H A P.
XVII.
1299.

Deposition
of the king

²² Walsingham.

C H A P. tion from Richard ⁷³; but as he knew, that this
 XVII. deed would plainly appear the result of force and
 1399. fear, he also purposed, notwithstanding the dan-
 28th Sept. ger of the precedent to himself and his posterity,
 to have him solemnly deposed in parliament for
 his pretended tyranny and misconduct. A charge,
 consisting of thirty-three articles, was accordingly
 drawn up against him, and presented to that
 assembly ⁷⁴.

IF we examine these articles, which are expressed with extreme acrimony against Richard, we shall find, that, except some rash speeches which are imputed to him ⁷⁵, and of whose reality, as they are said to have passed in private conversation, we may reasonably entertain some doubt; the chief amount of the charge is contained in his violent conduct during the two last years of his reign, and naturally divided itself into two principal heads. The first and most considerable is the revenge, which he took on the princes and great barons, who had formerly usurped, and still persevered in controuling and threatening, his authority; the second is the violation of the laws and general privileges of his people. But the former, however irregular in many of its circumstances, was fully supported by authority of parliament, and was but a copy of the violence, which the princes and barons

⁷³ Knyghton, p. 2744. Otterburne, p. 212.

⁷⁴ Ibid. p. 214. Tyrrel, vol. iii. part. 2. p. 1008, from the records. Knyghton, p. 2746.

⁷⁵ Art. 16: 26.

themselves, during their former triumph, had exercised against him and his party. The detention of Lancaster's estate was, properly speaking, a revocation, by parliamentary authority, of a grace, which the king himself had formerly granted him. The murder of Gloucester (for the secret execution, however merited, of that prince, certainly deserves this appellation) was a private deed; formed not any precedent, and implied not any usurped or arbitrary power of the crown, which could justly give umbrage to the people. It really proceeded from a defect of power in the king, rather than from his ambition; and proves, that, instead of being dangerous to the constitution, he possessed not even the authority necessary for the execution of the laws.

CONCERNING the second head of accusation, as it mostly consists of general facts, as framed by Richard's inveterate enemies, and was never allowed to be answered by him or his friends; it is more difficult to form a judgment. The greater part of these grievances, imputed to Richard, seems to be the exertion of arbitrary prerogatives; such as the dispensing power²⁶, levying purveyance²⁷, employing the marshal's court²⁸, extorting loans²⁹, granting protections from law-suits³⁰; prerogatives, which, though often complained of, had often been exercised by his predecessors, and still continued to be so by

²⁶ Art. 13. 17, 18.

²⁷ Art. 22.

²⁸ Art. 27.

²⁹ Art. 14.

³⁰ Art. 16.

CHAP. P. his successors. But whether his irregular acts of
 XVII. this kind were more frequent, and injudicious,
 1399. and violent than usual, or were only laid hold
 of and exaggerated, by the factions, to which
 the weakness of his reign had given birth, we
 are not able at this distance to determine with
 certainty. There is however one circumstance,
 in which his conduct is visibly different from that
 of his grandfather: He is not accused of having
 imposed one arbitrary tax, without consent of
 parliament, during his whole reign²: Scarcely
 a year passed during the reign of Edward, which
 was free from complaints with regard to this
 dangerous exertion of authority. But, perhaps,
 the ascendant, which Edward had acquired over
 the people, together with his great prudence,
 enabled him to make a use very advantageous to
 his subjects of this and other arbitrary preroga-
 tives, and rendered them a smaller grievance in
 his hands, than a less absolute authority in those
 of his grandson. This is a point, which it
 would be rash for us to decide positively on either

² We learn from Cotton, p. 362, that the king, by
 his chancellor, told the commons, *that they were sunderly
 bound to him, and namely in forbearing to charge them
 with dismes and fifteens, the which he means no more
 to charge them in his own person.* These words no more
 allude to the practice of his predecessors: He had not
 himself imposed any arbitrary taxes: Even the parliament,
 in the articles of his deposition, though they complain of
 heavy taxes, affirm not, that they were imposed illegally
 or by arbitrary will.

side; but it is certain, that a charge, drawn up C H A P.
 by the duke of Lancaster, and assented to by XVII.
 a parliament, situated in those circumstances, 1329.
 forms no manner of presumption with regard to
 the unusual irregularity or violence of the king's
 conduct in this particular ¹¹.

WHEN the charge against Richard was presented to the parliament, though it was liable, almost in every article, to objections, it was not canvassed, nor examined, nor disputed in either house, and seemed to be received with universal approbation. One man alone, the bishop of Carlisle, had the courage, amidst this general disloyalty and violence, to appear in defence of his unhappy master, and to plead his cause against all the power of the prevailing party. Though some topics, employed by that virtuous prelate, may seem to favor too much the doctrine of passive obedience, and to make too large a sacrifice of the rights of mankind; he was naturally pushed into that extreme by his abhorrence of the present licentious factions; and such intrepidity, as well as disinterestedness of behaviour, proves, that, whatever his speculative principles were, his heart was elevated far above the meanness and abject submission of a slave. He represented to the parliament, that all the abuses of government, which could justly be imputed to Richard, instead of amounting to tyranny, were merely the result of error, youth,

¹¹ See note [P] at the end of the volume.

C H A P. or misguided counsel, and admitted of a remedy,
 XVII. more easy and salutary, than a total subversion
 1399. of the constitution. That even had they been
 much more violent and dangerous than they
 really were, they had chiefly proceeded from
 former examples of resistance, which, making
 the prince sensible of his precarious situation, had
 obliged him to establish his throne by irregular
 and arbitrary expedients. That a rebellious
 disposition in subjects was the principal cause
 of tyranny in kings: Laws could never secure the
 subject, which did not give security to the sove-
 reign: And if the maxim of inviolable loyalty,
 which formed the basis of the English government,
 were once rejected, the privileges, belonging to
 the several orders of the state, instead of being
 fortified by that licentiousness, would thereby
 lose the surest foundation of their force and sta-
 bility. That the parliamentary deposition of
 Edward II. far from making a precedent, which
 could controul this maxim, was only an example
 of successful violence; and it was sufficiently to
 be lamented, that crimes were so often committed
 in the world, without establishing principles
 which might justify and authorize them. That
 even that precedent, false and dangerous as it
 was, could never warrant the present excesses,
 which were so much greater, and which would
 entail distraction and misery on the nation, to
 the latest posterity. That the succession, at least,
 of the crown, was then preserved inviolate: The
 lineal heir was placed on the throne: And the

people had an opportunity, by their legal obedience to him , of making atonement for the violence , which they had committed against his predecessor. That a descendant of Lionel , duke of Clarence, the elder brother of the late duke of Lancaster, had been declared in parliament successor to the crown: He had left posterity : And their title, however it might be overpowered by present force and faction , could never be obliterated from the minds of the people. That if the turbulent disposition alone of the nation had overturned the well-established throne of so good a prince as Richard ; what bloody commotions must ensue , when the same cause was united to the motive of restoring the legal and undoubted heir to his authority ? That the new government, intended to be established , would stand on no principle ; and would scarcely retain any pretence , by which it could challenge the obedience of men of sense and virtue. That the claim of lineal descent was so gross as scarcely to deceive the most ignorant of the populace : Conquest could never be pleaded by a rebel against his sovereign : The consent of the people had no authority in a monarchy not derived from consent , but established by hereditary right ; and however the nation might be justified , in deposing the misguided Richard , it could never have any reason for setting aside his lawful heir and successor , who was plainly innocent. And that the duke of Lancaster would give them but a bad specimen of the legal mode-

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1399.

C H A P. ration, which might be expected from his future
 XVII. government, if he added, to the crime of his past
 1399. rebellion, the guilt of excluding the family, which, both by right of blood, and by declaration of parliament, would, in case of Richard's demise, or voluntary resignation, have been received as the undoubted heirs of the monarchy".

ALL the circumstances of this event, compared to those which attended the late revolution in 1688, show the difference between a great and civilized nation, deliberately vindicating its established privileges, and a turbulent and barbarous aristocracy, plunging headlong from the extremes of one faction into those of another. This noble freedom of the bishop of Carlisle, instead of being applauded, was not so much as tolerated: He was immediately arrested, by order of the duke of Lancaster, and sent a prisoner to the abbey of St. Albans. No farther debate was attempted: Thirty-three long articles of charge were, in one meeting, voted against Richard; and voted unanimously by the same peers and prelates, who, a little before, had, voluntarily and unanimously, authorized those very acts of violence, of which they now complained. That prince was deposed by the suffrages of both houses; and the throne being now vacant, the duke of Lancaster stepped forth, and having crossed himself on the forehead, and on the breast, and

" Sir John Heywarde, p. 101.

called upon the name of Christ²², he pronounced these words, which we shall give in the original language, because of their singularity.

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1399.

In the name of Fadher, Son, and Holy Ghost, I Henry of Lancaster, challenge this rewme of Ynglande, and the croun, with all the membres, and the appurtenances; als I that am descendit by right line of the blode, coming fro the gude king Henry therde, and throge that right that God of his grace hath sent me, with helpe of kyn, and of my frendes to recover it; the which rewme was in poynt to be ondone by defaut; of governance and ondoynq of the gude lawes²³.

IN order to understand this speech, it must be observed, that there was a silly story, received among some of the lowest vulgar, that Edmond, earl of Lancaster, son of Henry III. was really the elder brother of Edward I.; but that, by reason of some deformity in his person, he had been postponed in the succession, and his younger brother imposed on the nation in his stead. As the present duke of Lancaster inherited from Edmond by his mother, this genealogy made him the true heir of the monarchy; and it is therefore insinuated in Henry's speech: But the absurdity was too gross to be openly avowed either by him, or by the parliament. The case is the same with regard to his right of conquest: He was a subject who rebelled against his sovereign: He entered the kingdom with a retinue of no more than sixty persons: He could not therefore

²² Cotton, p. 389.

²³ Knyghton, p. 2757.

C H A P. be the conqueror of England; and this right is
 XVII. accordingly insinuated, not avowed. Still there
 1399. is a third claim, derived from his merits in saving
 the nation from tyranny and oppression; and this
 claim is also insinuated: But as it seemed, by its
 nature, better calculated as a reason for his being
elected king by a free choice, than for giving him
 an immediate right of possession, he durst not
 speak openly even on this head; and to obviate
 any notion of election, he challenges the crown
 as his due, either by acquisition or inheritance.
 The whole forms such a piece of jargon and
 nonsense, as is almost without example: No ob-
 jection however was made to it in parliament:
 The unanimous voice of lords and commons
 placed Henry on the throne: He became king,
 nobody could tell how or wherefore: The title
 of the house of Marche, formerly recognized by
 parliament, was neither invalidated nor repealed;
 but passed over in total silence: And as a con-
 cern for the liberties of the people seems to have
 had no hand in this revolution, their right to
 dispose of the government, as well as all their
 other privileges, was left precisely on the same
 footing as before. But Henry having, when he
 claimed the crown, dropped some obscure hint
 concerning conquest, which, it was thought,
 might endanger these privileges, he soon after
 made a public declaration, that he did not
 thereby intend to deprive any other of his fran-
 chises or liberties": Which was the only circum-

" Knyghton, p. 2759. Otterburne, p. 220.

stance, where we shall find meaning or common sense, in all these transactions.

C H A P.
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1399.
6th Oct.

THE subsequent events discover the same headlong violence of conduct, and the same rude notions of civil government. The deposition of Richard dissolved the parliament: It was necessary to summon a new one: And Henry, in six days after, called together, without any new election, the same members; and this assembly he denominated a new parliament. They were employed in the usual task of reversing every deed of the opposite party. All the acts of the last parliament of Richard, which had been confirmed by their oaths, and by a papal bull, were abrogated: All the acts, which had passed in the parliament where Gloucester prevailed, which had also been confirmed by their oaths, but which had been abrogated by Richard, were anew established¹⁷: The answers of Tresilian, and the other judges, which a parliament had annulled, but which a new parliament and new judges had approved, here received a second condemnation. The peers, who had accused Gloucester, Arundel and Warwic, and who had received higher titles for that piece of service, were all of them degraded from their new dignities: Even the practice of prosecuting appeals in parliament, which bore the air of a violent confederacy against an individual, rather than of a legal indictment, was wholly abolished; and trials were restored to the course of common

¹⁷ Cotton, p. 390.

C H A P. law ". The natural effect of this conduct was
 XVII. to render the people giddy with such rapid and perpetual changes, and to make them lose all notions of right and wrong in the measures of government.

1399.
 23d Oct.

Murder of
 the king.

THE earl of Northumberland made a motion, in the house of peers, with regard to the unhappy prince whom they had deposed. He asked them, what advice they would give the king for the future treatment of him; since Henry was resolved to spare his life. They unanimously replied, that he should be imprisoned under a secure guard, in some secret place, and should be deprived of all commerce with any of his friends or partisans. It was easy to foresee, that he would not long remain alive in the hands of such barbarous and sanguinary enemies. Historians differ with regard to the manner in which he was murdered. It was long the prevailing opinion, that Sir Piers Exton, and others of his guards, fell upon him in the castle of Pomfret, where he was confined, and dispatched him with their halberds. But it is more probable, that he was starved to death in prison; and after all sustenance was denied him, he prolonged his unhappy life, it is said, for a fortnight, before he reached the end of his miseries. This account is more consistent with the story, that his body was exposed in public, and that no marks of violence were observed upon it. He died in the

" Henry IV. cap. 14.

thirty-fourth year of his age, and the twenty-third of his reign. He left no posterity, either legitimate or illegitimate.

His character.

ALL the writers, who have transmitted to us the history of Richard, lived during the reigns of the Lancastrian princes; and candor requires, that we should not give entire credit to the reproaches, which they have thrown upon his memory. But after making all proper allowances, he still appears to have been a weak prince, and unfit for government, less for want of natural parts and capacity, than of solid judgment and a good education. He was violent in his temper; profuse in his expence; fond of idle show and magnificence; devoted to favorites; and addicted to pleasure: Passions, all of them, the most inconsistent with a prudent œconomy, and consequently dangerous in a limited and mixed government. Had he possessed the talents of gaining, and still more those of overawing, his great barons, he might have escaped all the misfortunes of his reign, and been allowed to carry much farther his oppressions over the people, if he really was guilty of any, without their daring to rebel, or even to murmur against him. But when the grandees were tempted, by his want of prudence and of vigor, to resist his authority, and execute the most violent enterprises upon him, he was naturally led to seek an opportunity of retaliation; justice was neglected; the lives of the chief nobility were sacrificed; and all these enormities seem to have proceeded less from a

C H A P. XVII. settled design of establishing arbitrary power, than
 1392. from the insolence of victory, and the necessities
 of the king's situation. The manners indeed of
 the age were the chief source of such violence:
 Laws, which were feebly executed in peaceable
 times, lost all their authority during public con-
 vulsions: Both parties were alike guilty: Or if
 any difference may be remarked between them,
 we shall find, that the authority of the crown,
 being more legal, was commonly carried, when
 it prevailed, to less desperate extremities, than
 was that of the aristocracy.

ON comparing the conduct and events of this
 reign, with those of the preceding, we shall find
 equal reason to admire Edward, and to blame
 Richard; but the circumstance of opposition,
 surely, will not lie in the strict regard paid by
 the former to national privileges, and the neglect
 of them by the latter. On the contrary, the
 prince of small abilities, as he felt his want of
 power, seems to have been more moderate in
 this respect than the other. Every parliament,
 assembled during the reign of Edward, remon-
 strates against the exertion of some arbitrary
 prerogative or other: We hear not any complaints
 of that kind during the reign of Richard, till the
 assembling of his last parliament, which was
 summoned by his inveterate enemies, which
 dethroned him, which framed their complaints
 during the time of the most furious convulsions,
 and whose testimony must therefore have, on
 that account, much less authority with every
 equitable

equitable judge". Both these princes experienced the encroachments of the Great upon their authority. Edward, reduced to necessities, was obliged to make an express bargain with his parliament, and to sell some of his prerogatives for present supply; but as they were acquainted with his genius and capacity, they ventured not to demand any exorbitant concessions, or such as were incompatible with regal and sovereign power: The weakness of Richard tempted the parliament to extort a commission, which, in a manner, dethroned the prince, and transferred the sceptre into the hands of the nobility. The events of these encroachments were also suitable to the character of each. Edward had no sooner gotten the supply, than he departed from the engagements, which had induced the parliament to grant it; he openly told his people, that he had but *dissembled* with them when he seemed to make them these concessions; and he resumed and retained all his prerogatives. But Richard, because he was detected in consulting and deliberating with the judges on the lawfulness of restoring the constitution, found his barons immediately in arms against him; was deprived of his liberty; saw his favorites, his ministers, his tutor, butchered before his face, or banished and attainted; and was obliged to give way to all this violence. There cannot be a more remark-

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"Peruse, in this view, the abridgment of the records, by Sir Robert Cotton, during these two reigns.

VOL. III.

E c

C H A P. able contrast between the fortunes of two princes:
XVII. It were happy for society, did this contrast al-
 1399. ways depend on the justice or injustice of the
 measures which men embrace; and not rather on
 the different degrees of prudence and vigor, with
 which those measures are supported.

Miscellane-
 ous transac-
 tions during
 this reign.

T H E R E was a sensible decay of ecclesiastical authority during this period. The disgust, which the laity had received from the numerous usurpations both of the court of Rome, and of their own clergy, had very much weaned the kingdom from superstition; and strong symptoms appeared, from time to time, of a general desire to shake off the bondage of the Romish church. In the committee of eighteen, to whom Richard's last parliament delegated their whole power, there is not the name of one ecclesiastic to be found; a neglect which is almost without example, while the catholic religion subsisted in England."

T H E aversion entertained against the established church soon found principles and tenets and reasonings, by which it could justify and support itself. John Wickliffe, a secular priest, educated at Oxford, began in the latter end of Edward III. to spread the doctrine of reformation by his discourses, sermons, and writings; and he made many disciples among men of all ranks and stations. He seems to have been a man of parts and learning; and has the honor of being the first person in Europe, that publicly called in

" See note [Q] at the end of the volume.

question those principles, which had universally passed for certain and undisputed during so many ages. Wickliffe himself, as well as his disciples, who received the name of Wickliffites, or Lollards, was distinguished by a great austerity of life and manners; a circumstance common to almost all those who dogmatize in any new way, both because men, who draw to them the attention of the public, and expose themselves to the odium of great multitudes, are obliged to be very guarded in their conduct, and because few, who have a strong propensity to pleasure or business, will enter upon so difficult and laborious an undertaking. The doctrines of Wickliffe, being derived from his search into the scriptures and into ecclesiastical antiquity, were nearly the same with those which were propagated by the reformers in the sixteenth century: He only carried some of them farther than was done by the more sober part of these reformers. He denied the doctrine of the real presence, the supremacy of the church of Rome, the merit of monastic vows: He maintained, that the scriptures were the sole rule of faith; that the church was dependent on the state, and should be reformed by it; that the clergy ought to possess no estates; that the begging friars were a nuisance, and ought not to be supported; that the numerous ceremonies of the church were hurtful to true piety: He asserted, that oaths were

C H A P.
xvii.
1399.

" Wallingham, p. 191. 208. 283, 284. Spelman, Concil. vol. ii. p. 630. Knyghton, p. 2657.

C H A P. XVII. 1399. { unlawful, that dominion was founded in grace, that every thing was subject to fate and destiny, and that all men were pre-ordained either to eternal salvation or reprobation ". From the whole of his doctrines, Wickliffe appears to have been strongly tinctured with enthusiasm, and to have been thereby the better qualified to oppose a church, whose chief characteristic is superstition.

THE propagation of these principles gave great alarm to the clergy; and a bull was issued by pope Gregory XI. for taking Wickliffe into custody, and examining into the scope of his opinions ". Courteney, bishop of London, cited him before his tribunal; but the reformer had now acquired powerful protectors, who screened him from the ecclesiastical jurisdiction. The duke of Lancaster, who then governed the kingdom, encouraged the principles of Wickliffe; and he made no scruple, as well as lord Piercy, the mareschal, to appear openly in court with him, in order to give him countenance upon his trial: He even insisted, that Wickliffe should sit in the bishop's presence, while his principles were examined: Courteney exclaimed against the insult: The Londoners, thinking their prelate affronted, attacked the duke and mareschal, who escaped from their hands with some difficulty ". And the populace, soon

" Harpsfield, p. 668. 673, 674. Waldens. tom. i. lib. 3. art. 1. cap. 8. " Spelm. Conc. vol. ii. p. 621. Wallingham. p. 201, 202, 203.

" Harpsfield. in Hist. Wickl. p. 683.

after, broke into the houses of both these noblemen, C H A P.
threatened their persons, and plundered their goods. XVII.
The bishop of London had the merit of appeasing 1352.
their fury and repentment.

THE duke of Lancaster, however, still continued his protection to Wickliffe, during the minority of Richard; and the principles of that reformer had so far propagated themselves, that, when the pope sent to Oxford a new bull against these doctrines, the university deliberated for some time, whether they should receive the bull; and they never took any vigorous measures in consequence of the papal orders". Even the populace of London were at length brought to entertain favorable sentiments of this reformer: When he was cited before a synod at Lambeth, they broke into the assembly, and so overawed the prelates, who found both the people and the court against them, that they dismissed him without any farther censure.

THE clergy, we may well believe, were more wanting in power than in inclination to punish this new heresy, which struck at all their credit, possessions, and authority. But there was hitherto no law in England, by which the secular arm was authorized to support orthodoxy; and the ecclesiastics endeavoured to supply the defect by an extraordinary and unwarrantable artifice. In the year 1381, there was an act passed, requiring

" Wood's Ant. Oxon. lib. i. p. 191, &c. Walsingham, p. 201.

§ H A B. sheriffs to apprehend the preachers of heresy and
 XVII their abettors; but this statute had been surrepti-
 1349- tiously obtained by the clergy, and had the
 formality of an enrolment without the consent of
 the commons. In the subsequent session, the lower
 house complained of the fraud; affirmed, that
 they had no intention to bind themselves to the
 prelates farther than their ancestors had done
 before them; and required that the pretended
 statute should be repealed, which was done ac-
 cordingly". But it is remarkable, that, not-
 withstanding this vigilance of the commons,
 the clergy had so much art and influence, that
 the repeal was suppressed, and the act, which
 never had any legal authority, remains to this
 day upon the statute book"; Though the clergy
 still thought proper to keep it in reserve, and
 not proceed to the immediate execution of it.

BUT besides this defect of power in the church,
 which saved Wickliffe, that reformer himself,
 notwithstanding his enthusiasm, seems not to have
 been actuated by the spirit of martyrdom; and in
 all subsequent trials before the prelates, he so
 explained away his doctrine by tortured meanings,
 as to render it quite innocent and inoffensive".
 Most of his followers imitated his cautious
 disposition, and saved themselves either by recan-
 tations or explanations. He died of a palsy in

" Cotton's abridgment, p. 285.
 chap. 5.

" 5 Rich. II.
 Walsingham, p. 206. Knyghton,
 p. 2655; 2656.

the year 1385 at his rectory of Lutterworth in the county of Leicester; and the clergy, mortified that he should have escaped their vengeance, took care, besides assuring the people of his eternal damnation, to represent his last distemper as a visible judgment of heaven upon him for his multiplied heresies and impieties".

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1399.

THE proselytes, however, of Wickliffe's opinions still increased in England¹⁰⁰: Some monkish writers represent one half of the kingdom as infected by those principles: They were carried over to Bohemia by some youth of that nation, who studied at Oxford: But though the age seemed strongly disposed to receive them, affairs were not yet fully ripe for this great revolution; and the finishing blow to ecclesiastical power was reserved to a period of more curiosity, literature, and inclination for novelties.

MEANWHILE the English parliament continued to check the clergy and the court of Rome, by more sober and more legal expedients. They enacted anew the statute of *provisors*, and affixed higher penalties to the transgression of it, which, in some instances, was even made capital¹⁰¹. The court of Rome had fallen upon a new device, which increased their authority over the prelates: The pope, who found that the expedient of arbitrarily depriving them was violent, and

¹⁰⁰ Walsingham, p. 312. Ypod. Neust. p. 337.

¹⁰¹ Knyghton, p. 2663. ¹⁰² 13 Rich. II. cap. 3.
16 Rich. II. cap. 4.

C H A P. liable to opposition, attained the same end by
 XVII. transferring such of them, as were obnoxious, to
 1399. poorer sees, and even to nominal sees, *in partibus infidelium*. It was thus that the archbishop of York, and the bishops of Durham and Chichester, the king's ministers, had been treated after the prevalence of Gloucester's faction: The bishop of Carlisle met with the same fate after the accession of Henry IV. For the pope always joined with the prevailing powers, when they did not thwart his pretensions. The parliament, in the reign of Richard, enacted a law against this abuse: And the king made a general remonstrance to the court of Rome against all those usurpations, which he calls *horrible excesses* of that court ¹⁰³.

It was usual for the church, that they might elude the mortmain act, to make their votaries leave lands in trust to certain persons, under whose name the clergy enjoyed the benefit of the bequest: The parliament also stopped the progress of this abuse ¹⁰⁴. In the 17th of the king, the commons prayed, *that remedy might be had against such religious persons as cause their villains to marry free women inheritable, whereby the estate comes to those religious hands by collusion* ¹⁰⁵. This was a new device of the clergy.

THE papacy was at this time somewhat weakened by a schism, which lasted during forty years, and gave great scandal to the devoted partisans

¹⁰³ Rymer, vol. vii. p. 672. ¹⁰⁴ Knyghton, p. 27.
¹⁰⁵ Ibid.

38. Cotton, p. 355.

of the holy see. After the pope had resided many years at Avignon, Gregory XI. was persuaded to return to Rome; and upon his death, which happened in 1380, the Romans, resolute to fix, for the future, the seat of the papacy in Italy, besieged the cardinals in the conclave, and compelled them, though they were mostly Frenchmen, to elect Urban VI. an Italian, into that high dignity. The French cardinals, as soon as they recovered their liberty, fled from Rome, and protesting against the forced election, chose Robert, son of the count of Geneva, who took the name of Clement VII. and resided at Avignon. All the kingdoms of Christendom, according to their several interests and inclinations, were divided between these two pontiffs. The court of France adhered to Clement, and was followed by its allies, the king of Castile, and the king of Scotland: England of course was thrown into the other party, and declared for Urban. Thus the appellation of *Clementines* and *Urbanists* distracted Europe for several years; and each party damned the other as schismatics, and as rebels to the true vicar of Christ. But this circumstance, though it weakened the papal authority, had not so great an effect as might naturally be imagined. Though any king could easily, at first, make his kingdom embrace the party of one pope or the other, or even keep it some time in suspense between them, he could not so easily transfer his obedience at pleasure: The people attached themselves to their own party, as to a religious opi-

C H A P.
XVII.
1399.

9 H A P. nion; and conceived an extreme abhorrence to
 XVII. the opposite party, whom they regarded as little
 1399. better than Saracens or infidels. Crusades were
 even undertaken in this quarrel; and the zealous
 bishop of Norwich, in particular, led over, in
 1382, near 60,000 bigots into Flanders against
 the Clementines; but after losing a great part of
 his followers, he returned with disgrace into
 England¹⁰¹. Each pope, sensible, from this pre-
 vailing spirit among the people, that the king-
 dom, which once embraced his cause, would
 always adhere to him, boldly maintained all the
 pretensions of his see, and stood not much more
 in awe of the temporal sovereigns, than if his
 authority had not been endangered by a rival.

We meet with this preamble to a law enacted
 at the very beginning of this reign: "Whereas
 "divers persons of small garrison of land or other
 "possessions do make great retinue of people, as
 "well of esquires as of others, in many parts of
 "the realm, giving to them hats and other
 "livery of one suit by year, taking again towards
 "them the value of the same livery or percase
 "the double value, by such covenant and assur-
 "ance; that every of them shall maintain other
 "in all quarrels, be they reasonable or unreason-
 "able, to the great mischief and oppression of
 "the people, &c."¹⁰² This preamble contains

¹⁰¹ Froissard, liv. 2. chap. 133, 134. Walsingham,
 p. 298, 299, 300, &c. Knyghton, p. 2671.
¹⁰² 1 Rich. II. chap. 7.

a true picture of the state of the kingdom. The laws had been so feebly executed, even during the long, active, and vigilant reign of Edward III., that no subject could trust to their protection. Men openly associated themselves, under the patronage of some great baron, for their mutual defence. They wore public badges, by which their confederacy was distinguished. They supported each other in all quarrels, iniquities, extortions, murders, robberies, and other crimes. Their chief was more their sovereign than the king himself; and their own band was more connected with them than their country. Hence the perpetual turbulence, disorders, factions, and civil wars of those times: Hence the small regard paid to a character or the opinion of the public: Hence the large discretionary prerogatives of the crown, and the danger which might have ensued from the too great limitation of them. If the king had possessed no arbitrary powers, while all the nobles assumed and exercised them, there must have ensued an absolute anarchy in the state.

ONE great mischief, attending these confederacies, was the extorting from the king pardons for the most enormous crimes. The parliament often endeavoured, in the last reign, to deprive the prince of this prerogative; but, in the present, they were content with an abridgment of it. They enacted, that no pardon for rapes or for murder from malice prepense should be valid, unless the crime were particularly specified in it¹⁰⁷.

¹⁰⁷ 13 Rich. II. cap. 1.

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There were also some other circumstances required for passing any pardon of this kind: An excellent law; but ill observed, like most laws that thwart the manners of the people, and the prevailing customs of the times.

IT is easy to observe, from these voluntary associations among the people, that the whole force of the feudal system was in a manner dissolved, and that the English had nearly returned in that particular to the same situation, in which they stood before the Norman conquest. It was indeed impossible, that that system could long subsist under the perpetual revolutions, to which landed property is every where subject. When the great feudal baronies were first erected, the lord lived in opulence in the midst of his vassals: He was in a situation to protect and cherish and defend them: The quality of patron naturally united itself to that of superior: And these two principles of authority mutually supported each other. But when, by the various divisions and mixtures of property, a man's superior came to live at a distance from him, and could no longer give him shelter or countenance; the tie gradually became more fictitious than real: New connexions from vicinity or other causes were formed: Protection was sought by voluntary services and attachment: The appearance of valor, spirit, abilities in any great man extended his interest very far: And if the sovereign were deficient in these qualities, he was no less, if not more exposed to the usurpations of the aristo-

cracy, than even during the vigor of the feudal c H A P.
system.

XVII,
1359.

THE greatest novelty introduced into the civil government during this reign was the creation of peers by patent. Lord Beauchamp of Holt was the first peer, that was advanced to the house of lords in this manner. The practice of levying benevolences is also first mentioned in the present reign.

THIS prince lived in a more magnificent manner than perhaps any of his predecessors or successors. His household consisted of 10,000 persons: He had 300 in his kitchen; and all the other offices were furnished in proportion ¹⁰⁰. It must be remarked, that his enormous train had tables supplied them at the king's expence, according to the mode of that age. Such prodigality was probably the source of many exactions, by purveyors, and was one chief reason of the public discontents.

¹⁰⁰ Harding: This poet says, that he speaks from the authority of a clerk of the green cloth.

NOTES

TO THE

THIRD VOLUME.

NOTE [A], p. 28.

RYMER; vol. ii. p. 216. 845. There cannot be the least question, that the homage usually paid by the kings of Scotland was not for their crown, but for some other territory. The only question remains, what that territory was? It was not always for the earldom of Huntingdon, nor the honor of Penryth; because we find it sometimes done at a time when these possessions were not in the hands of the kings of Scotland. It is probable, that the homage was performed in general terms without any particular specification of territory; and this inaccuracy had proceeded either from some dispute between the two kings about the territory and some opposite claims, which were compromised by the general homage, or from the simplicity of the age, which employed few words in every transaction. To prove this we need but look into the letter of king Richard, where he resigns the homage of Scotland, reserving the usual homage. His words are, *Sapediētus IV. Rex ligius homo noster deveniat de omnibus terris de quibus antecessores sui antecessorum nostrorum ligii homines fuerunt, et nobis atque heredibus nostris fidelitatem jurarunt.* Rymer, vol. i. p. 65. These general terms were probably copied from the usual form of the homage itself.

It is no proof that the kings of Scotland possessed no lands or baronies in England, because we cannot find them in the imperfect histories and records of that age. For instance, it clearly appears from another passage of this very letter of Richard, that the Scottish king held lands both in the county of Huntingdon and elsewhere in

England; though the earldom of Huntingdon itself was then in the person of his brother, David; and we know at present of no other baronies, which William held. It cannot be expected that we should now be able to specify all his fees which he either possessed or claimed in England; when it is probable that the two monarchs themselves and their ministers would at that very time have differed in the list: The Scottish king might possess some to which his right was disputed; he might claim others, which he did not possess: And neither of the two kings was willing to resign his pretensions by a particular enumeration.

A late author of great industry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scotch homage, and has pretended that it was done for Lothian and Galloway, that is, all the territories of the country now called Scotland, lying south of the Clyde and Forth. But to refute this pretension at once, we need only consider, that if these territories were held in fee of the English kings, there would, by the nature of the feudal law, as established in England, have been continual appeals from them to the courts of the lord Paramount; contrary to all the histories and records of that age. We find, that, as soon as Edward really established his superiority, appeals immediately commenced from all parts of Scotland: And that king, in his writ to the king's-bench, considers them as a necessary consequence of the feudal tenure. Such large territories also would have supplied a considerable part of the English armies, which never could have escaped all the historians. Not to mention that there is not any instance of a Scotch prisoner of war being tried as a rebel, in the frequent hostilities between the kingdoms, where the Scottish armies were chiefly filled from the southern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, most of the south-west counties
of

of Scotland; his notion, I say, rests on so slight a foundation, that it scarcely merits being refuted. He will have it (and merely because he will have it) that the Cumberland, yielded by king Edmund to Malcolm I. meant not only the county in England of that name, but all the territory northwards to the Clyde. But the case of Lothian deserves some more consideration.

It is certain, that in very ancient language, Scotland means only the country north of the friths of Clyde and Forth. I shall not make a parade of literature to prove it; because I do not find that this point is disputed by the Scots themselves. The southern country was divided into Galloway and Lothian; and the latter comprehended all the south-east counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the English histories, that the whole kingdom of Northumberland paid very little obedience to the Anglo-Saxon monarchs, who governed after the dissolution of the heptarchy; and the northern and remote parts of it seem to have fallen into a kind of anarchy, sometimes pillaged by the Danes, sometimes joining them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at last possession of the country, which had scarcely any government; and we are told by Matthew of Westminster, p. 193. that king Edgar made a grant of the territory to Kenneth III. that is, he resigned claims, which he could not make effectual, without bestowing on them more trouble and expence than they were worth: For these are the only grants of provinces made by kings; and so ambitious and active a prince as Edgar would never have made presents of any other kind. Though Matthew of Westminster's authority may appear small with regard to so remote a transaction; yet we may admit it in this case, because Ordericus Vitalis, a good authority, tells us, p. 701. that Malcolm acknowledged to William Rufus, that the Conqueror had confirmed to him

the former grant of Lothian. But it follows not, because Edgar made this species of grant to Kenneth, that therefore he exacted homage for that territory. Homage and all the rites of the feudal law were very little known among the Saxons; and we may also suppose, that the claim of Edgar was so antiquated and weak, that, in resigning it, he made no very valuable concession, and Kenneth might well refuse to hold, by so precarious a tenure, a territory, which he at present held by the sword. In short, no author says, he did homage for it.

The only color indeed of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III. before Edward's claim of superiority was heard of, says that Alexander III. did homage to Henry III. *pro Laudiano et aliis terris*. See page 555. This word seems naturally to be interpreted Lothian. But, in the first place, Matthew Paris's testimony, though considerable, will not outweigh that of all the other historians, who say that the Scotch homage was always done for lands in England. Secondly, if the Scotch homage was done in general terms (as has been already proved), it is no wonder that historians should differ in their account of the object of it, since, it is probable, the parties themselves were not fully agreed. Thirdly, there is reason to think that *Laudianum* in Matthew Paris does not mean the Lothians, now in Scotland. There appears to have been a territory, which anciently bore that or a similar name, in the north of England. For (1) The Saxon Chronicle, p. 197. says, that Malcolm Kenmure met William Rufus in Lodene in England. (2) It is agreed by all historians, that Henry II. only reconquered from Scotland the northern counties of Northumberland, Cumberland, and Westmoreland. See Newbriggs. p. 383. Wykes, p. 30. Hemingford, p. 492. Yet the same country is called by other historians Loidis, comitatus Lodonenfis, or some such name. See M. Paris, p. 68. M. West. p. 247. Annal. Waverl. p. 159. and Diceto, p. 531. (3) This last mentioned author, when he speaks of Lothian in Scotland, calls it Loheneis, p. 574. though he had called the English territory Loidis.

I thought this long note necessary in order to correct Mr. Carte's mistake, an author whose diligence and industry has given light to many passages of the more ancient English history.

NOTE [B], p. 29.

RYMER, vol. ii. p. 543. It is remarkable that the English chancellor spoke to the Scotch parliament in the French tongue. This was also the language commonly made use of by all parties on that occasion. *Ibid.* passim. Some of the most considerable among the Scotch, as well as almost all the English barons, were of French origin; they valued themselves upon it; and pretended to despise the language and manners of the island. It is difficult to account for the settlement of so many French families in Scotland, the Bruces, Baliols, St. Clairs, Montgomeries, Somervilles, Gordons, Frazers, Cummins, Colvilles, Umfreviles, Mowbrays, Hays, Maules, who were not supported there, as in England, by the power of the sword. But the superiority of the smallest civility and knowledge over total ignorance and barbarism, is prodigious.

NOTE [C], p. 36.

SEE Rymer, vol. ii. p. 543. where Edward writes to the King's Bench to receive appeals from Scotland. He knew the practice to be new and unusual; yet he establishes it as an infallible consequence of his superiority. We learn also from the same collection, p. 603, that immediately upon receiving the homage, he changed the style of his address to the Scotch king, whom he now calls *dilecto et fideli*, instead of *fratri dilecto et fideli*, the appellation which he had always before used to him; see p. 109. 124. 168. 280. 1064. This is a certain proof, that he himself was not deceived, as was scarcely indeed possible, but that he was conscious of his usurpation. Yet he solemnly

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swore afterwards to the justice of his pretensions, when he defended them before pope Boniface.

NOTE [D], p. 59.

THROUGHOUT the reign of Edw. I. the assent of the commons is not once expressed in any of the enacting clauses; nor in the reigns ensuing, till the 9 Edw. III. nor in any of the enacting clauses of 16 Rich. II. Nay even so low as Hen. VI. from the beginning till the 8th of his reign, the assent of the commons is not once expressed in any enacting clause. See preface to Ruffhead's edit. of the Statutes, p. 7. If it should be asserted, that the commons had really given their assent to these statutes, though they are not expressly mentioned; this very omission, proceeding, if you will, from carelessness, is a proof how little they were respected. The commons were so little accustomed to transact public business, that they had no speaker, till after the parliament 6th Edw. III. See Prynne's preface to Cotton's Abridg. Not till the first of Richard II. in the opinion of most antiquaries. The commons were very unwilling to meddle in any state affairs, and commonly either referred themselves to the lords, or desired a select committee of that house to assist them, as appears from Cotton. § E. III. n. 5; 15 E. III. n. 17; 21 E. III. n. 5; 47 E. III. n. 5; 50 E. III. n. 10; 51 E. III. n. 18; 1 R. II. n. 12; 2 R. II. n. 12; 5 R. II. n. 14; 2 parl. 6 R. II. n. 14; parl. 2. 6 R. II. n. 8, etc.

NOTE [E], p. 61.

IT was very agreeable to the maxims of all the feudal governments, that every order of the state should give their consent to the acts which more immediately concerned them; and as the notion of a political system was not then so well understood, the other orders of the state were often not consulted on these occasions. In this reign, even the merchants, though no public body, granted the

king impositions on merchandize, because the first payments came out of their pockets. They did the same in the reign of Edward III. but the commons had then observed that the people paid these duties, though the merchants advanced them; and they therefore remonstrated against this practice. Cotton's Abridg. p. 39. The taxes imposed by the knights on the counties were always lighter than those which the burgesses laid on the boroughs; a presumption, that in voting those taxes the knights and burgesses did not form the same house. See chancellor West's Inquiry into the manner of creating peers, p. 8. But there are so many proofs, that those two orders of representatives were long separate, that it is needless to insist on them. M. Carte, who had carefully consulted the rolls of parliament, affirms, that they never appear to have been united till the 16th of Edward III. See Hist. vol. ii. p. 451. But it is certain that this union was not even then final: In 1372, the burgesses acted by themselves, and voted a tax after the knights were dismissed. See Tyrrel, Hist. vol. iii. p. 734. from Rot. Claus. 46 Edw. III. n. 9. In 1376, they were the knights alone, who passed a vote for the removal of Alice Pierce from the king's person, if we may credit Walsingham, p. 189. There is an instance of a like kind in the reign of Richard II. Cotton, p. 193. The different taxes voted by those two branches of the lower house, naturally kept them separate: But as their petitions had mostly the same object, namely, the redress of grievances, and the support of law and justice both against the crown and the barons, this cause as naturally united them, and was the reason why they at last joined in one house for the dispatch of business. The barons had few petitions. Their privileges were of more ancient date: Grievances seldom affected them: They were themselves the chief oppressors. In 1333, the knights by themselves concurred with the bishops and barons in advising the king to stay his journey into Ireland. Here was a petition which regarded a matter of state, and was supposed to be above the capacity of the burgesses.

The knights, therefore, acted apart in this petition. See Cotton, *Abridg.* p. 13. Chief baron Gilbert thinks, that the reason why taxes always began with the commons or burgesses was, that they were limited by the instructions of their boroughs. See *Hist. of the Exchequer*, p. 37.

NOTE [F], p. 62.

THE chief argument from ancient authority, for the opinion that the representatives of boroughs preceded the forty-ninth of Henry III. is the famous petition of the borough of St. Albans, first taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, presented to the parliament in the reign of Edward II. the town of St. Albans asserts, that though they held *in capite* of the crown, and owed only, for all other service, their attendance in parliament, yet the sheriff had omitted them in his writs; whereas both in the reign of the king's father, and all his predecessors, they had always sent members. Now, say the defenders of this opinion, if the commencement of the house of commons were in Henry III.'s reign, this expression could not have been used. But Madox, in his *History of the Exchequer*, p. 522, 523, 524, has endeavoured, and with great reason, to destroy the authority of this petition for the purpose alleged. He asserts, first, That there was no such tenure in England as that of holding by attendance in parliament, instead of all other service. Secondly, That the borough of St. Albans never held of the crown at all, but was always demesne land of the abbot. It is no wonder, therefore, that a petition which advances two falsehoods, should contain one historical mistake, which indeed amounts only to an inaccurate and exaggerated expression; no strange matter in ignorant Burgesses of that age. Accordingly St. Albans continued still to belong to the abbot. It never held of the crown, till after the dissolution of the monasteries. But the assurance of these petitioners is remarkable. They wanted to shake off the

authority of their abbot, and to hold of the king; but were unwilling to pay any services even to the crown: Upon which they framed this idle petition, which later writers have made the foundation of so many inferences and conclusions. From the tenor of the petition it appears, that there was a close connexion between holding of the crown, and being represented in parliament: The latter had scarcely ever place without the former: Yet we learn from Tyrrel's Append. vol. iv. that there were some instances to the contrary. It is not improbable, that Edward followed the roll of the earl of Leicester, who had summoned, without distinction, all the considerable boroughs of the kingdom; among which there might be some few that did not hold of the crown. Edward also found it necessary to impose taxes on all the boroughs in the kingdom without distinction. This was a good expedient for augmenting his revenue. We are not to imagine, because the house of commons have since become of great importance, that the first summoning of them would form any remarkable and striking epoch, and be generally known to the people even seventy or eighty years after. So ignorant were the generality of men in that age, that country burgesses would readily imagine an innovation, seemingly so little material, to have existed from time immemorial, because it was beyond their own memory, and perhaps that of their fathers. Even the parliament in the reign of Henry V. say, that Ireland had, from the beginning of time, been subject to the crown of England. (See Brady.) And surely, if any thing interests the people above all others, it is war and conquests, with their dates and circumstances.

NOTE [G], p. 275.

THIS story of the six burgesses of Calais, like all other extraordinary stories, is somewhat to be suspected, and so much the more as Avesbury, p. 167, who is particular in his narration of the surrender of Calais, says nothing

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of it: and on the contrary extols in general the king's generosity and lenity to the inhabitants. The numberless mistakes of Froissard, proceeding either from negligence, credulity, or love of the marvellous, invalidate very much his testimony, even though he was a contemporary, and though his history was dedicated to queen Philippa herself. It is a mistake to imagine, that the patrons of dedications read the books, much less vouch for all the contents of them. It is not a slight testimony, that should make us give credit to a story so dishonorable to Edward, especially after that proof of his humanity, in allowing a free passage to all the women, children, and infirm people, at the beginning of the siege; at least, it is scarcely to be believed, that, if the story has any foundation, he seriously meant to execute his menaces against the six townsmen of Calais.

NOTE [H], p. 281.

THERE was a singular instance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A solemn duel of thirty knights against thirty was fought between Bembrough, an Englishman, and Beaumanoir, a Breton, of the party of Charles of Blois. The knights of the two nations came into the field; and before the combat began, Beaumanoir called out, that it would be seen that day *who had the fairest mistresses*. After a bloody combat the Bretons prevailed; and gained for their prize, full liberty to boast of their mistresses' beauty. It is remarkable, that two such famous generals as Sir Robert Knolles, and Sir Hugh Calverley, drew their swords in this ridiculous contest. See Pere Daniel, vol. ii. p. 536, 537, etc. The women not only instigated the champions to those rough, if not bloody frays of tournament; but also frequented the tournaments during all the reign of Edward, whose spirit of gallantry encouraged this practice. See Knyghton, p. 2597.

NOTE [I], p. 308.

THIS is a prodigious sum, and probably near the half of what the king received from the parliament during the whole course of his reign. It must be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about 29,000 pounds: There were said to be near 30,000 sacks of wool exported every year: A sack of wool was at a medium sold for five pounds. Upon these suppositions it would be easy to compute all the parliamentary grants, taking the list as they stand in Tyrrel, vol. iii. p. 780: Though somewhat must still be left to conjecture. This king levied more money on his subjects than any of his predecessors; and the parliament frequently complain of the poverty of the people, and the oppressions under which they laboured. But it is to be remarked, that a third of the French king's ransom was yet unpaid when war broke out anew between the two crowns: His son chose rather to employ his money in combating the English, than in enriching them. See Rymer, vol. viii. p. 315.

NOTE [K], p. 355.

IN the fifth year of the king, *the commons complained of the government about the king's person, his court, the excessive number of his servants, of the abuses in the Chancery, King's Bench, Common Pleas, Exchequer, and of grievous oppressions in the country, by the great multitudes of maintainers of quarrels, (men linked in confederacies together) who behaved themselves like kings in the country, so as there was very little law or right, and of other things which they said were the cause of the late commotions under Wat Tyler.* Parl. Hist. vol. i. p. 365. This irregular government, which no king and no house of commons had been able to remedy, was the source of the licentiousness of the great, and turbulency of the people, as well as tyranny of the princes. If subjects would enjoy liberty, and kings security, the laws must be executed.

In the ninth of this reign, the commons also discovered an accuracy and a jealousy of liberty, which we should little expect in those rude times. "It was agreed by parliament," says Cotton, p. 309, "that the subsidy of wools, wool fells, and skins, granted to the king until the time of Midsummer then ensuing, should cease from the same time unto the feast of St. Peter *ad vincula*; for that thereby the king should be interrupted for claiming such grant as due." See also Cotton, p. 198.

NOTE [L], p. 400.

KNIGHTON, p. 2715, etc. The same author, p. 2680, tells us, that the king, in return to the message, said, that he would not for their desire remove the meanest scullion from his kitchen. This author also tells us, that the king said to the commissioners, when they harangued him, that he saw his subjects were rebellious, and his best way would be to call in the king of France to his aid. But it is plain, that all these speeches were either intended by Knyghton merely as an ornament to his history, or are false. For (1) when the five lords accuse the king's ministers in the next parliament, and impute to them every rash action of the king, they speak nothing of these replies which are so obnoxious, were so recent, and are pretended to have been so public. (2) The king, so far from having any connexions at that time with France, was threatened with a dangerous invasion from that kingdom. This story seems to have been taken from the reproaches afterwards thrown out against him, and to have been transferred by the historian to this time, to which they cannot be applied.

NOTE [M], p. 408.

WE must except the 12th article, which accuses Brembre of having cut off the heads of twenty-two prisoners, confined for felony or debt, without warrant or process of law: But as it is not conceivable what interest

Brembre could have to treat these felons and debtors in such a manner, we may presume that the fact is either false or misrepresented. It was in these men's power to say any thing against the persons accused: No defence or apology was admitted: All was lawless will and pleasure.

They are also accused of design to murder the lords: but these accusations either are general, or destroy one another. Sometimes, as in article 15th, they intend to murder them by means of the mayor and city of London: Sometimes, as in article 28th, by trial and false inquests: Sometimes, as in article 28th, by means of the king of France, who was to receive Calais for his pains.

NOTE [N], p. 410.

IN general, the parliament in those days never paid a proper regard to Edward's statute of treasons, though one of the most advantageous laws for the subject that has ever been enacted. In the 17th of the king, *the dukes of Lancaster and Gloucester complain to Richard, that Sir Thomas Talbot, with others of his adherents, conspired the death of the said dukes in divers parts of Cheshire, as the same was confessed and well known; and praying that the parliament may judge of the fault. Whereupon the king and the lords in the parliament judged the same fact to be open and high treason: And hereupon they award two writs, the one to the sheriff of York, and the other to the sheriffs of Derby, to take the body of the said Sir Thomas returnable in the King's bench in the month of Easter then ensuing. And open proclamation was made in Westminster-hall, that upon the sheriffs' return and at the next coming in of the said Sir Thomas, the said Thomas should be convicted of treason, and incur the loss and pain of the same: And all such as should receive him after the proclamation should incur the same loss and pain.* Cotton, p. 354. It is to be observed, that this extraordinary judgment was passed in a time of tranquillity. Though the statute itself of Edward III. reserves

a power to the parliament to declare any new species of treason, it is not to be supposed that this power was reserved to the house of lords alone, or that men were to be judged by a law *ex post facto*. At least, if such be the meaning of the clause; it may be affirmed, that men were at that time very ignorant of the first principles of law and justice.

NOTE [O], p. 419.

IN the preceding parliament, the commons had shown a disposition very complaisant to the king; yet there happened an incident in their proceedings, which is curious, and shows us the state of the house during that period. The members were either country gentlemen, or merchants, who were assembled for a few days, and were entirely unacquainted with business; so that it was easy to lead them astray, and draw them into votes and resolutions very different from their intention. Some petitions, concerning the state of the nation, were voted; in which, among other things, the house recommended frugality to the king, and for that purpose, desired, that the court should not be so much frequented as formerly by *bishops* and *ladies*. The king was displeased with this freedom: The commons very humbly craved pardon: He was not satisfied unless they would name the mover of the petitions. It happened to be one Haxey, whom the parliament, in order to make atonement, condemned for this offence to die the death of a traitor. But the king, at the desire of the archbishop of Canterbury, and the prelates, pardoned him. When a parliament in those times, not agitated by any faction, and being at entire freedom, could be guilty of such monstrous extravagance, it is easy to judge what might be expected from them in more trying situations. See Cotton's Abridg. p. 361, 362.

NOTE [P], p. 437.

TO show how little credit is to be given to this charge against Richard, we may observe, that a law in the 13 Edward III. had been enacted against the continuance of sheriffs for more than one year: But the inconvenience of changes having afterwards appeared from experience, the commons in the twentieth of this king, applied by petition that the sheriffs might be continued; though that petition had not been enacted into a statute, by reason of other disagreeable circumstances, which attended it. See Cotton, p. 361. It was certainly a very moderate exercise of the dispensing power in the king to continue the sheriffs, after he found that that practice would be acceptable to his subjects, and had been applied for by one house of parliament: Yet is this made an article of charge against him by the present parliament. See art. 18. Walsingham, speaking, of a period early in Richard's minority, says, *But what do acts of parliament signify, when, after they are made, they take no effect; since the king, by the advice of the privy council, takes upon him to alter, or wholly set aside, all those things, which by general consent had been ordained in parliament?* If Richard, therefore, exercised the dispensing power, he was warranted by the examples of his uncles and grandfather, and indeed of all his predecessors from the time of Henry III, inclusive.

NOTE [Q], p. 448.

THE following passage in Cotton's Abridgment, p. 196, shows a strange prejudice against the church and churchmen. *The commons afterwards coming into the parliament, and making their protestation, shewed, that for want of good redress about the king's person in his household, in all his courts, touching maintainers in every county, and purveyors, the commons were daily pilled, and nothing defended against the enemy, and that it should shortly deprive the king and undo the state. Wherefore*

in the same government, they entirely require redress. Whereupon the king appointed sundry bishops, lords and nobles, to sit in privy-council about these matters: Who since that they must begin at the head, and go at the request of the commons, they in the presence of the king charged his confessor not to come into the court but upon the four principal festivals. We should little expect that a popish privy-council, in order to preserve the king's morals, should order his confessor to be kept at a distance from him. This incident happened in the minority of Richard. As the popes had for a long time resided at Avignon, and the majority of the sacred college were Frenchmen, this circumstance naturally increased the aversion of the nation to the papal power: But the prejudice against the English clergy cannot be accounted for from that cause.

END OF THE THIRD VOLUME.

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